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Tuesday
August 13, 1996

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: September 17, 1996 at 9:00 am.
WHERE: National Archives—Northwest Region
201 Varick Street, 12th Floor
New York, NY
RESERVATIONS: 800–688–9889
(Federal Information Center)

WASHINGTON, DC

WHEN: September 24, 1996 at 9:00 am.
WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

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Additional information, including a list of public laws, telephone numbers, reminders, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Part 663

Wellton-Mohawk Irrigation Improvement Program

AGENCY: Natural Resources Conservation Service.

ACTION: Final rule.

SUMMARY: This final rule removes obsolete regulations pertaining to the Wellton-Mohawk Irrigation Improvement program. The Wellton-Mohawk Irrigation Improvement program has not been in effect since 1987. The Colorado River Salinity Control Program (CRSCP), which has been funded since 1987, addresses the issue of salinity control in the entire Colorado River Basin on agricultural lands. This approach replaced the need to address salinity control in only the Wellton-Mohawk project area by broadening efforts throughout the entire Colorado River basin.

Additionally, after review of this inactive program, this action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

EFFECTIVE DATE: August 13, 1996.

FOR FURTHER INFORMATION CONTACT: Dave Mason, United States Department of Agriculture, Natural Resources Conservation Service, Room 6032–S, P.O. Box 2890, Washington, D.C. 20013–2415, telephone (202) 720–1845.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since NRCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of final rulemaking with respect to the subject matter of these determinations.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of the final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1443 set forth in this final rule do not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. 35.

Background

This final rule removes 7 CFR part 663, pertaining to the Wellton-Mohawk Irrigation Improvement program. The Wellton-Mohawk Irrigation Improvement program has not been in effect since 1987 and the regulations are obsolete.

List of Subjects in 7 CFR Part 663

Grant programs—natural resources, Irrigation, Soil conservation.

Accordingly, under the authority of 7 U.S.C. 2202 and 7 CFR 2.65(a)(14), 7 CFR part 663 is removed.

Signed at Washington, D.C. on August 6, 1996.

Pearlie S. Reed,

Associate Chief, Natural Resources Conservation Service.

[FR Doc. 96–20622 Filed 8–12–96; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–129; Special Conditions No. 25–ANM –119]

Special Conditions: Modified Avions Marcel Dassault—Breguet Aviation Mystere-Falcon Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Avions Marcel Dassault—Breguet Aviation Mystere-Falcon Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplanes modified by Rockwell Collins of Cedar Rapids, Iowa. These airplanes will be equipped with a digital Electronic Flight Instrument System (EFIS) that will perform critical functions. The applicable regulations do not contain adequate or appropriate safety standards for the protection of the EFIS from the effects of high-intensity radiated fields (HIRF). These special conditions provide the additional safety standards that the Administrator considers necessary to ensure that the critical functions performed by this system are maintained when the airplane is exposed to HIRF.

DATES: The effective date of these special conditions is August 6, 1996. Comments must be received on or before September 27, 1996.

ADDRESSES: Comments on these final special conditions, request for comments, may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM–7), Docket No. NM–129, 1601 Lind Avenue SW.,

Renton, Washington, 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked ''Docket No. NM–129.'' Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Mark Quam, FAA, Standardization Branch, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2145.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM–129.'' The postcard will be date stamped and returned to the commenter.

Background

On January 16, 1996, Rockwell Collins of Cedar Rapids, Iowa, applied for an amendment to a supplemental type certificate to modify the Avopms Marcel Dassault—Breguet Aviation Mystere-Falcon Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplanes. The proposed amendment adds EFIS–86C(14) (Electronic Flight Instrument System) applicability for the above listed airplanes. The EFIS displays required flight critical information and critical functions. The installation of the EFIS system displaying critical functions is potentially vulnerable to high-intensity radiated fields (HIRF) external to the airplane.

Supplemental Type Certification Basis

Under the provisions of § 21.101 of the Federal Aviation Regulations (FAR), Rockwell Collins, must show that the altered Avions Marcel Dassault—Breguet Aviation Mystere-Falcon Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplanes continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A7EU, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.''

The regulations incorporated by reference in Type Certificate No. A7EU include the following for the Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplanes: Civil Aviation Regulations (CAR) 4b dated December 31, 1953, including Amendments 4b–1 through 4b–12 and Special Regulation SR422B. In addition, under § 21.101(b)(1), the following sections of the FAR apply to the EFIS installation: §§ 25.1301(d), 25.1303 and 25.1322, as amended by Amendment 25–38; and §§ 25.1309, 25.1321 (a) (b) (d), and (e), 25.1331, 25.1333, and 25.1335, as amended by Amendment 25–41. These special conditions will form an additional part of the supplemental type certification basis.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Avions Marcel Dassault—Breguet Aviation Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from high-intensity radiated fields (HIRF). Increased power levels from ground-based radio transmitters, and the growing use of sensitive electrical and electronic systems to command and control airplanes, have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the modified Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplanes that would require that the EFIS be designed and installed to preclude component damage and interruption of function due to the effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems, such as the EFIS, to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplanes will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1 or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through systems tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated:

Frequency	Peak (V/M)	Average (V/M)
10 KHz–100 KHz	50	50

Frequency	Peak (V/M)	Average (V/M)
100 KHz–500 KHz	60	60
500 KHz–2000 KHz	70	70
2 MHz–30 MHz	200	200
30 MHz–70 MHz	30	30
70 MHz–100 MHz	30	30
100 MHz–200 MHz	150	33
200 MHz–400 MHz	70	70
400 MHz–700 MHz	4,020	935
700 MHz–1000 MHz	1,700	170
1 GHz–2 GHz	5,000	990
2 GHz–4 GHz	6,680	840
4 GHz–6 GHz	6,850	310
6 GHz–8 GHz	3,600	670
8 GHz–12 GHz	3,500	1,270
12 GHz–18 GHz	3,500	360
18 GHz–40 GHz	2,100	750

As discussed above, these special conditions are applicable to the Avions Marcel Dassault—Breguet Aviation Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplane, modified by Rockwell Collins. Should Rockwell Collins apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A7EU to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain unusual or novel design features on Avions Marcel Dassault—Breguet Aviation Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplanes modified by Rockwell Collins. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on this airplane.

The substance of these special conditions has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions immediately. Therefore, these special conditions are being made effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. app. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f–10, 4321 et seq.; E.O. 11514; and 49 U.S.C. (106)(g).

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the Avions Marcel Dassault—Bruguet Aviation Model Fan Jet Falcon (Basic), Fan Jet Falcon Series D, E, and Mystere-Falcon 20–C5, 20–D5 and 20–E5 airplane, as modified by Rockwell Collins.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields external to the airplane.

2. The following definition applies with respect to this special condition:

Critical Function. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on August 6, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 96–20628 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 96–ANE–16; Amendment 39–9707, AD 96–16–07]

RIN 2120–AA64

Airworthiness Directives; General Electric Company (GE) CF6–80C2 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6–80C2 series turbofan engines. This action supersedes priority letter AD 96–09–01 that currently requires borescope inspections of the rear right hand mount link to determine if the serial number matches those listed in applicable service bulletins as improperly manufactured, and replacement, if necessary, with a serviceable part. This action references a newly revised service bulletin and bases the compliance time on the effective date of this superseding AD for engines installed on McDonnell Douglas MD–11 series aircraft. This amendment is prompted by the availability of the newly revised service bulletin. The actions specified by this AD are intended to prevent rear right hand mount link failure, which could result in engine separation from the aircraft.

DATES: Effective August 28, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 28, 1996.

Comments for inclusion in the Rules Docket must be received on or before October 15, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–ANE–16, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the Rules Docket by using the following Internet address: ''epd-adcomments@mail.hq.faa.gov''. All comments must contain the Docket No. in the subject line of the comment.

The service information referenced in this AD may be obtained from General Electric Technical Services, Attn: Leader for Distribution/Microfilm, 10525 Chester Road, Cincinnati, OH 45215; phone (513) 672–8400 ext. 114, fax (513) 672–8422. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Woldan, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7136, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: On April 15, 1996, the Federal Aviation Administration (FAA) issued priority

letter airworthiness directive (AD) 96–09–01, applicable to General Electric Company (GE) CF6–80C2 series turbofan engines, which requires borescope inspections of the rear right hand mount link to determine if the serial number matches those listed in applicable service bulletins as improperly manufactured, and replacement, if necessary, with a serviceable part. That action was prompted by reports of rear right hand mount links that were not properly heat treated during manufacture. Rear right hand mount links that are not properly heat treated are susceptible to failure due to insufficient strength. That condition, if not corrected, could result in rear right hand mount link failure, which could result in engine separation from the aircraft.

Since the issuance of that priority letter AD, GE has issued CF6–80C2 Service Bulletin (SB) No. 72–835, Revision 1, dated May 2, 1996. This AD references this new revision, and bases the compliance time on the effective date of this superseding AD for engines installed on McDonnell Douglas MD–11 series aircraft.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes priority letter AD 96–09–01 to require the following:

For certain engines installed on Airbus A300 and A310 series aircraft, prior to further flight, borescope inspect the rear right hand mount link to determine if the link S/N is listed in GE CF6–80C2 SB No. 72–835, Revision 1, dated May 2, 1996. If the link S/N matches those listed in that SB, prior to further flight, remove the rear right hand mount link from service and replace with a serviceable part.

For certain engines installed on McDonnell Douglas MD–11 series aircraft, within 15 days after the effective date of this AD, borescope inspect the rear right hand mount link to determine if the link S/N is listed in GE CF6–80C2 SB No. 72–835, Revision 1, dated May 2, 1996. If the link S/N matches those listed in that SB, within 60 days after the effective date of this AD, remove the rear right hand mount link from service and replace with a serviceable part.

Engines installed on Airbus A300 and A310 series aircraft have higher certification mount loads than those installed on McDonnell Douglas MD–11 aircraft, and therefore require immediate inspection. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–ANE–16.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–16–07 General Electric Company: Amendment 39–9707. Docket No. 96–ANE–16. Supersedes AD 96–09–01.

Applicability: General Electric Company (GE) CF6–80C2 series turbofan engines identified by Serial Numbers (S/N's) listed in GE CF6–80C2 Service Bulletin (SB) No. 72–835, Revision 1, dated May 2, 1996. These engines are installed on but not limited to Airbus A300 and A310 series, and McDonnell Douglas MD–11 series aircraft.

Note: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent rear right hand mount link failure, which could result in engine separation from the aircraft, accomplish the following:

(a) No further action is required for operators that have complied with priority letter AD 96–09–01.

(b) For engines installed on Airbus A300 and A310 series aircraft, accomplish the following:

(1) Prior to further flight, borescope inspect the rear right hand mount link in accordance with the Accomplishment Instructions of GE CF6–80C2 SB No. 72–835, Revision 1, dated May 2, 1996, to determine if the link S/N is listed in that SB.

(2) If the link S/N does not match those listed in that SB, no further action is required.

(3) If the link S/N matches those listed in that SB, prior to further flight remove the rear right hand mount link from service and replace with a serviceable part in accordance with the Accomplishment Instructions of GE CF6–80C2 SB No. 72–835, Revision 1, dated May 2, 1996.

(c) For engines installed on McDonnell Douglas MD–11 series aircraft, accomplish the following:

(1) Within 15 days after the effective date of this AD, borescope inspect the rear right hand mount link in accordance with the Accomplishment Instructions of GE CF6–80C2 SB No. 72–835, Revision 1, dated May 2, 1996, to determine if the S/N is listed in that SB.

(2) If the S/N does not match those listed in that SB, no further action is required.

(3) If the S/N matches those listed in that SB, within 60 days after the effective date of this AD, remove the rear right hand mount link from service and replace with a serviceable part in accordance with the Accomplishment Instructions of GE CF6–80C2 SB No. 72–835, Revision 1, dated May 2, 1996.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(f) The actions required by this AD shall be done in accordance with the following SB:

Document No.	Pages	Revision	Date
GE CF6–80C2 SB No. 72–835 ..... Total pages: 16.	1–16	1	May 2, 1996.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Technical Services, Attn: Leader for Distribution/Microfilm, 10525 Chester Road, Cincinnati, OH 45215; phone (513) 672–8400 ext. 114, fax (513) 672–8422. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment supersedes priority letter AD 96–09–01, issued April 15, 1996.

(h) This amendment becomes effective on August 28, 1996.

Issued in Burlington, Massachusetts, on July 31, 1996.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–20397 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–195–AD; Amendment 39–9710; AD 96–17–02]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 757 series airplanes. This action requires an inspection of the engine fuel shutoff valves (spar valves) to detect leakage of fuel and to ensure that no leakage occurs when the valves are commanded to close. This action also requires an alignment procedure of the engine fuel shutoff valves, if necessary. This amendment is prompted by reports that certain engine shutoff valve assemblies were improperly installed during manufacturing of the airplane. The actions specified in this AD are intended to prevent uncommanded fuel flow from the fuel tanks to the engine nacelle, which could result in reduced aircraft fire protection in the event of a leak in the engine fuel line or a fire in the engine nacelle.

DATES: Effective August 28, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 28, 1996.

Comments for inclusion in the Rules Docket must be received on or before October 15, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–195–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Bernie Gonzalez, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2682; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received reports that certain defueling valve assemblies were improperly installed on a Boeing Model 757 series airplane during manufacturing. Such improper installation results in uncommanded transfer of fuel from tank to tank. Investigation revealed that the engine fuel shutoff valves (spar valves) are installed in the same manner and are identical to the defueling valves. While leakage of the defueling valves can be readily and immediately detected, leakage of engine fuel shutoff valves cannot be detected unless the main engine fuel supply line is open. Furthermore, since the engine fuel shutoff valves leak in the commanded ''closed'' position, the Engine Indication and Crew Alerting System (EICAS) does not show an advisory message, and the amber ''SPAR VALVE'' disagreement light on the P10 fuel control switch panel does not illuminate.

The engine fuel shutoff valve is controlled by the appropriate fuel control switch on the P10 panel of the

control stand. The valve is closed when the switch is in the ''CUTOFF'' position, and is open when the switch is in the ''RICH'' (for Rolls Royce engines only) or in the ''RUN'' position. The amber ''SPAR VALVE'' disagreement light above each fuel control switch illuminates anytime the valve is not in the commanded position. The EICAS advisory message, ''L (or R) FUEL SPAR VAL'' will appear after six seconds when disagreement exists. The valve closes when the fire handle is pulled.

The engine fuel shutoff valve provides fire protection to the airplane by shutting off fuel at the wing in the event of a leak in the engine fuel line or a fire in the engine nacelle. If the engine fuel shutoff valve does not fully close when commanded, fuel may continue to flow from the wing to the engine. This condition, if not corrected, could result in uncommanded fuel flow from the fuel tanks to the engine nacelle, which could result in reduced fire protection of the airplane in the event of a leak in the engine fuel line or a fire in the engine nacelle.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 757–28A0045, dated July 30, 1996, which describes procedures for inspection of the engine fuel shutoff valves (spar valves) to detect leakage of fuel and to ensure that no leakage occurs when the valves are commanded to close. This alert service bulletin also describes procedures for an alignment of the engine fuel shutoff valve(s) for those airplanes that do not pass the inspection to detect leakage of fuel.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 757 series airplanes of the same type design, this AD is being issued to prevent uncommanded fuel flow from the fuel tanks to the engine nacelle, which could result in reduced fire protection of the airplane in the event of a leak in the engine fuel line or a fire in the engine nacelle. This AD requires inspection of the engine fuel shutoff valves to detect leakage of fuel and to ensure that no leakage occurs when the valves are commanded to close. This AD also requires an alignment of the engine fuel shutoff valve(s) for those airplanes that do not pass the inspection for leakage. The actions are required to be accomplished in accordance with the service bulletin described previously.

Procedure for Alignment of the Fuel Shutoff Valves

Operators should note that the alert service bulletin recommends accomplishing the alignment procedure of the engine fuel shutoff valves with a specific tool (part number B28009) or an alignment procedure that entails removing the engine fuel shutoff valve motor and actuator. The FAA has determined that accomplishment of the alignment using the alignment tool will provide a more accurate and permanent alignment of the engine fuel shutoff valves. However, the FAA has been advised by the manufacturer that there is a delay in the availability of this particular tool. Therefore, the FAA considers this AD to be interim action, and is currently considering requiring the accomplishment of the alignment procedure of the engine fuel shutoff valves with alignment tool part number B28009. The planned compliance time for the accomplishment of the alignment procedure using that alignment tool is sufficiently long so that prior notice and time for public comment will be practicable.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–195–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–17–02 Boeing: Amendment 39–9710. Docket 96–NM–195–AD.

Applicability: Model 757 series airplanes, line positions 478 through 699 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded fuel flow from the fuel tanks to the engine nacelle in the event of a leak in the engine fuel line or a fire in the engine nacelle, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform an inspection to detect leakage of the fuel shutoff (spar) valves and verify that the valves do not leak when commanded to close, in accordance with Boeing Alert Service Bulletin 757–28A0045, dated July 30, 1996.

(1) If both fuel shutoff valves pass the inspection for leakage and the valves close when commanded, no further action is required by this AD.

(2) If either or both of the fuel shutoff valves do not pass the inspection for leakage: Prior to further flight, adjust the engine fuel shutoff valve(s) in accordance with Part III of the alert service bulletin and repeat the requirements of paragraph (a) of this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) The actions shall be done in accordance with Boeing Alert Service Bulletin 757–28A0045, dated July 30, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(d) This amendment becomes effective on August 28, 1996.

Issued in Renton, Washington, on August 6, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–20428 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–192–AD; Amendment 39–9711; AD 96–17–03]

RIN 2120–AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Jetstream Model 4101 airplanes. This action requires an inspection to determine the serial number of the leg assemblies of the main landing gear (MLG), and replacement of defective pins with serviceable pins. This amendment is prompted by a report indicating that pins installed on certain leg assemblies of the MLG's were heat treated incorrectly during manufacture. The actions specified in this AD are intended to prevent failure of the pins due to incorrect heat treatment, and subsequent structural failure of the MLG.

DATES: Effective August 28, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 28, 1996.

Comments for inclusion in the Rules Docket must be received on or before October 15, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–192–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model 4101 airplanes. The CAA advises that it received a report indicating that certain torque arm pivot pins, drag brace attachment pins, and drag brace pivot pins installed on the leg assemblies of the main landing gears (MLG) on Model 4101 airplanes were heat treated incorrectly during manufacture. Such incorrect heat treatment of these pins could result in failure of the pins. This condition, if not corrected, could result in structural failure of the MLG.

Explanation of Relevant Service Information

Jetstream has issued Service Bulletin J41–32–023, dated May 27, 1996, which describes procedures for an inspection to determine the serial number of the left and right leg assemblies (shock strut and drag brace) of the MLG, and replacement of defective drag brace attachment pins, drag brace pivot pins, and torque arm pivot pins on certain leg assemblies with serviceable pins. The Jetstream service bulletin references APPH Precision Hydraulics Service Bulletin AIR83090–32–02, dated March 1996, as an additional source of service information. The APPH Precision Hydraulics service bulletin identifies the serial numbers of MLG leg assemblies on which defective pins are installed, and describes procedures for replacement of those pins with serviceable pins.

The CAA classified the Jetstream service bulletin as mandatory and issued United Kingdom airworthiness directive 003–05–96, dated June 12, 1996, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of

the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the pins on certain leg assemblies of the MLG due to incorrect heat treatment, and subsequent structural failure of the MLG. This AD requires an inspection to determine the serial number of the left and right leg assemblies (shock strut and drag brace) of the MLG, and replacement of defective drag brace attachment pins, drag brace pivot pins, and torque arm pivot pins on certain leg assemblies with serviceable pins. The actions are required to be accomplished in accordance with the Jetstream service bulletin described previously.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–192–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–17–03 Jetstream Aircraft Limited: Amendment 39–9711. Docket 96–NM–192–AD.

Applicability: Model 4101 airplanes; serial numbers 41060 and 41071 through 41078 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously. To prevent failure of the pins on certain leg assemblies of the main landing gear (MLG) due to incorrect heat treatment, and subsequent structural failure of the MLG, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform an inspection to determine the serial number of the left and right leg assemblies (shock strut and drag brace) of the MLG in accordance with Jetstream Service Bulletin J41–32–023, dated May 27, 1996.

(1) If no leg assembly has a serial number that is identified in the service bulletin, no further action is required by this AD.

(2) If any leg assembly has a serial number that is identified in the service bulletin, prior to further flight, replace the defective drag brace attachment pins, drag brace pivot pins, and torque arm pivot pins with serviceable pins, in accordance with the service bulletin.

Note 2: The Jetstream service bulletin references APPH Precision Hydraulics Service Bulletin AIR83090–32–02, dated March 1996, as an additional source of service information for identification of the serial numbers of affected MLG leg assemblies, and for replacement of defective pins with serviceable pins.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Jetstream Service Bulletin J41–32–023, dated May 27, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 28, 1996.

Issued in Renton, Washington, on August 6, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–20427 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–04–AD; Amendment 39–9712; AD 96–17–04]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–100 and –200 series airplanes, that requires inspections to detect cracking of the support fittings of the Krueger flap actuator and, if necessary, replacement of existing fittings with new steel fittings and modification of the aft attachment of the actuator. This amendment is prompted by reports of cracking due to fatigue and stress corrosion of the support fittings of the Krueger flap actuator. The actions specified by this AD are intended to prevent such cracking, which could result in fracturing of the actuator attach lugs, separation of the actuator from the support fitting, severing of the hydraulic lines, and resultant loss of hydraulic fluids. These conditions, if not corrected, could result in possible failure of one or more hydraulic systems, and subsequent reduced controllability of the airplane.

DATES: Effective September 17, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 17, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Della Swartz, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2785; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737–100 and –200 series airplanes was published in the Federal Register on March 13, 1996 (61 FR 10294). That action proposed to require inspections to detect cracking of the support fittings of the Krueger flap actuator and, if necessary, replacement of existing fittings with new steel fittings and modification of the aft attachment of the actuator.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter supports the proposal.

Request to Revise Proposed Inspection Requirements

The Air Transport Association (ATA), on behalf of its member operators, requests that the proposed requirement to perform repetitive eddy current inspections be replaced with a requirement to perform close visual inspections at 3,000-flight hour intervals, followed by an eddy current inspection or replacement of the fitting within a 4-year period. This commenter maintains that this alternative inspection program is:

1. More consistent with the recommendations of the airframe manufacturer;

2. Equivalent in safety to that proposed in the notice; and

3. More cost effective.

Further, this commenter states that, while the proposed eddy current inspection may be viewed as a more critical inspection process, it is not necessary to respond to the airworthiness concern. This commenter contends that, in order to determine whether a more stringent process is required (i.e., more stringent than the manufacturer's recommendations), the FAA should review service history data to determine whether cracking of the subject support fittings has actually become a fleet-wide problem. The commenter maintains that, while the one incident described in the preamble to the notice was certainly of concern, there is insufficient data to indicate that cracked support fittings is an industry problem.

The FAA does not concur. As explained in the preamble to the notice, the subject cracking in the fittings is attributed to stress corrosion combined with fatigue. The crack growth rate for such cracking is not known; however, it is known that material that the fitting is made from, 7075–T6 aluminum, is highly susceptible to stress corrosion cracking and has low toughness. It is also known that the critical crack size for this fitting is 0.165 inch. Cracks of this small size cannot be found with a high degree of confidence using a visual inspection technique. An eddy current inspection is a much more reliable method of finding such small cracks.

As for the service history of the subject problem, there have been several reports of cracking found in actuator attach support fitting assemblies on a number of in-service Model 737 series airplanes. There also have been two accidents involving hydraulic system failures that were associated with the failure of the actuator attach lugs on the support fittings. The FAA considers this a sufficient amount of service history to demonstrate that a potential unsafe condition associated with the subject cracking exists in airplanes equipped with the subject fittings.

In light of the small critical crack size, the high susceptibility to stress corrosion cracking of 7075–T6 material, and the ample service history relative to the addressed unsafe condition, the FAA does not find that the commenter's suggested alternative inspection program would provide an acceptable level of safety compared to that required by this final rule.

Request to Revise Proposed Inspection Intervals

One commenter requests that the proposed inspections be required in terms of flight cycles, rather than in terms of time-in-service. The commenter states that, because fatigue cracking of the actuator support fitting is caused by cycling of the Krueger flap, the maximum inspection intervals should be limited by flight cycles, not flight hours.

The FAA does not concur. The cracking mechanism associated with the addressed problem is stress corrosion cracking combined with fatigue. Although the commenter is correct that fatigue is cycle-driven, stress corrosion cracking is time-or flight hour-driven, since it is caused by a sustained tensile stress in a corrosive environment. Therefore, the FAA finds that a flight hour (time-in-service) inspection interval is appropriate for these inspections.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 727 Model 737–100 and –200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 270 airplanes of U.S. registry will be affected by this AD, that it will take approximately 12 work hours per airplane (6 work hours per wing) to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $194,400, or $720 per airplane, per inspection.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–17–04 Boeing: Amendment 39–9712. Docket 96–NM–04–AD.

Applicability: Model 737–100 and –200 series airplanes, line positions 001 through 813 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible failure of one or more hydraulic systems and subsequent reduced controllability of the airplane, accomplish the following:

(a) Within one year after the effective date of this AD, perform an eddy current inspection to detect cracking of the support fitting of the Krueger flap actuator, in accordance with Boeing Service Bulletin 737–57–1129, Revision 1, dated October 30, 1981, as revised by Notices of Status Change 737–57–1129NSC1, dated July 23, 1982; 737–57–1129 NSC2, dated April 14, 1983; and 737–57–1129 NSC 3, dated May 18, 1995.

(1) If no cracking is found, repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 3,000 hours time-in-service.

(2) If any cracking is found, prior to further flight, accomplish the replacement and modification specified in paragraph (b) of this AD.

(b) Replacement of the support fitting with a steel fitting and modification of the actuator aft attachment in accordance with Boeing Service Bulletin 737–57–1129, Revision 1, dated October 30, 1981, as revised by Notices of Status Change 737–57–1129NSC1, dated July 23, 1982; 737–57–1129 NSC2, dated April 14, 1983; and 737–57–1129 NSC 3, dated May 18, 1995; constitutes terminating action for the repetitive inspections required by this AD.

(c) As of the effective date of this AD, no person shall install a support fitting having part number 69–37892–9, 69–37892–10, 69–37893–1, or 69–37893–2 on the Krueger flap actuator of any airplane.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The inspections, replacement, and modification shall be done in accordance with Boeing Service Bulletin 737–57–1129, Revision 1, dated October 30, 1981, as revised by Notice of Status Change 737–57–1129NSC1, dated July 23, 1982; Notice of Status Change 737–57–1129 NSC2, dated April 14, 1983; and Notice of Status Change 737–57–1129 NSC 3, dated May 18, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on September 17, 1996.

Issued in Renton, Washington, on August 6, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–20426 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5551–1]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Whitewood Creek Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Whitewood Creek Site (Site) in Butte, Meade and Lawrence Counties, South Dakota, from the National Priorities List (NPL). The NPL is Appendix B of title 40 of the Code of Federal Regulations part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA in consultation with the state of South Dakota have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA, other than required operations and maintenance (O&M), are appropriate.

EFFECTIVE DATE: August 13, 1996.

FOR FURTHER INFORMATION CONTACT: Michael H. McCeney, Remedial Project Manager, U. S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Mailcode: 8EPR–SR, Denver, CO 80202, telephone (303)–312–7023.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: The Whitewood Creek Site in Butte, Meade, and Lawrence Counties, South Dakota.

A Notice of Intent to Delete for this site was published on November 30, 1995, (60 FR 61507). The closing date for comments on the Notice of Intent to Delete was January 2, 1996. Three comments were received during the comment period. Two of the comments received voiced support for the proposed action. In response, EPA agrees that the Site should be deleted from the NPL.

The third comment was from a landowner and current resident at the Site. The commenter was concerned with two aspects of the remedy implemented at the Site: (1) The impacts that the remedy will have on property values at the Site, and (2) the long-term effectiveness of the remedy given the potential for re-contamination of remediated areas at the Site.

In response to the first concern, EPA recognizes that the Superfund law has inadvertently had adverse effects on real estate values and transactions. These problems typically arise as a result of concerns on the part of lending institutions. Three common concerns expressed by lenders are: (1) The uncertainty associated with not knowing what cleanup actions EPA might ultimately require at a site; (2) the fear that the lender may assume liability in the event that they take possession of a Superfund site through foreclosure of loans; and (3) the fear that the loan applicant might be held liable for cleanup costs at a site.

At the Whitewood Creek Site, the first lender concern probably does not apply since EPA has determined that the Site poses no significant threat to public health and the environment and that all required response actions, except for required O&M, have been completed at the Site. All O&M, except that related to future land development at the Site, is the responsibility of the Homestake Mining Company (Homestake) under the terms of a consent decree with EPA.

To help allay the second lender concern, EPA has implemented a policy whereby lenders will not be held liable as a result of foreclosures on loans. EPA set forth this policy in a memorandum entitled ''Policy on CERCLA Enforcement Against Lenders and Government Entities that Acquire Property Involuntarily'', dated September 22, 1995.

To help allay the third concern of lenders, in situations where a Superfund site is used for residential purposes, EPA implemented a policy whereby residential landowners will not be held responsible for response costs related to cleanup at their property. This policy is set forth in EPA Office of Solid Waste and Emergency Response directive number 9834.6, dated July 3, 1991.

EPA believes that these and other policies have successfully curtailed many of the effects that Superfund sites may have had on property values. If lenders do have concerns over granting loans on Whitewood Creek Superfund Site property, EPA Region VIII staff are available to discuss those concerns and provide information necessary to help resolve the situation.

In response to the commentor's second concern, EPA acknowledges that, given the nature of the residual contamination which remains at the Whitewood Creek Site, there is a potential for recontamination to occur in residential areas that were cleaned up as part of the remedy. For this reason, EPA is required to assess the conditions at the Site no less often than once every five years following the start of remedial action at the Site. The first five year review at the Site will therefore take place in 1996. As part of the five year review, Homestake, under the terms of a consent decree with EPA, will conduct soil sampling in residential yards cleaned up as part of the remedy. Any yards that are found to be recontaminated above the action level set forth in the ROD (100 milligrams per kilogram arsenic) will be cleaned up again by Homestake. Deletion of the Site from the NPL does not affect this process nor does it affect Homestake's obligations under the Consent Decree.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future, NCP § 300.425(e)(3) of the NCP. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous Waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 1, 1996.

Max H. Dodson,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR,

1991 Comp., p 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site for Whitewood Creek Site, CS, South Dakota.

[FR Doc. 96–20460 Filed 8–12–96; 8:45 am]
BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1610

Use of Non-LSC Funds

AGENCY: Legal Services Corporation.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule completely revises the Legal Services Corporation's (''Corporation'' or ''LSC'') regulation concerning the use of funds from a source other than the Corporation (''non-LSC funds''). The revisions are intended to implement the Corporation's FY 1996 appropriations act that applies most of the restrictions contained in that act to all of a recipient's funds and to make certain technical corrections to the regulation. Although this rule is effective upon publication, the Corporation solicits public comment on the interim rule in anticipation of adoption of a final rule at a later time.

DATES: The interim rule is effective on August 13, 1996. Comments must be submitted on or before September 12, 1996.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First St. NE., 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Victor Fortuno, General Counsel, (202) 336–8910.

SUPPLEMENTARY INFORMATION: On May 19, 1996, the Operations and Regulations Committee (''Committee'') of the LSC Board of Directors (''Board'') requested the LSC staff to prepare an interim rule to implement Section 504 in the Corporation's FY 1996 appropriations act, Public Law 104–134, 110 Stat. 1321 (1996), which applies most restrictions contained therein to any person or entity receiving LSC funds, effectively restricting all of a recipient's funds to the same degree that it restricts LSC funds. The Committee held hearings on staff proposals on July 8 and 19, and the Board adopted this interim rule on July 20 for publication in the Federal Register.

The Committee recommended and the Board agreed to publish this rule as an interim rule. An interim rule is necessary in order to provide prompt and critically necessary guidance to LSC recipients on legislation that is already effective and carries severe penalties for noncompliance. Because of this great need for guidance on how to comply with substantially revised legislative requirements, prior notice and public comment are impracticable, unnecessary, and contrary to the public interest. *See* 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Accordingly, this interim rule is effective upon publication.

However, the Corporation also solicits comments on this interim rule for review and consideration by the Committee and Board. After receipt of written public comment, the Committee intends to hold public hearings to discuss the written comments and to hear oral comments. It is anticipated that a final rule will be issued which will supersede this interim rule.

Part 1610 is completely revised by this interim rule. Generally, this rule serves two purposes. First, it incorporates the restrictions imposed by the Corporation's FY 1996 appropriations act, 110 Stat. 1321 (1996), which apply to both a recipient's LSC funds and its non-LSC funds. Past appropriations acts have applied restrictions contained in those acts only to the funds appropriated thereunder. In contrast, the FY 1996 appropriations act prohibits LSC from funding any recipient that engages in certain specified activities or that fails to act in a manner consistent with certain appropriations act requirements. This rule also makes several technical revisions to the prior rule to correct those provisions that were never revised to be consistent with longstanding amendments to the LSC Act.

A section-by-section discussion of this interim rule is provided below.

Section 1610.1 Purpose

The purpose of this rule is to implement statutory restrictions on a recipient's use of non-LSC funds. The statutory restrictions are found in the LSC Act, 42 U.S.C. 2996 *et seq.*, and the Corporation's FY 1996 appropriations act, Public Law 104–134, 110 Stat. 1321 (1996).

Section 1610.2 Definitions

''Purposes prohibited by the LSC Act.'' The definition of ''purposes prohibited by the LSC Act'' has been revised in several ways. First, reference to a prohibition on the representation of juveniles has been deleted because it is no longer in the LSC Act. Second, it is revised to reflect the fact that certain restrictions on activities in the LSC Act no longer reflect the law, because broader restrictions on those activities are included in the Corporation's FY 1996 appropriations act. Accordingly, references to the LSC Act's prohibitions on legislative and administrative representation, 42 U.S.C. 2996f(a)(5), and on advocacy training, 42 U.S.C. 2996f(b)(5), have been deleted from this definition and are incorporated instead into the definition of ''activity prohibited by or inconsistent with Section 504'' in § 1610.2(b). Third, the definition now references the Corporation's regulations which implement the various restrictions. Fourth, citations to the LSC Act for the restrictions on political activities, criminal proceedings, actions challenging criminal convictions, organizing activities, school desegregation, Selective Service and military desertion have been revised to correspond to the numbering changes that were made by amendments to the LSC Act. Fifth, this definition includes only those restrictions on private funds required by Section 1010(c) of the LSC Act which applies only to an activity identified as a ''purpose prohibited by [the LSC Act].'' Accordingly, the reference to fee-generating cases has been deleted because involvement in a fee-generating case is not a purpose prohibited by the LSC Act. Neither the LSC Act nor the appropriations act prohibits legal services programs from undertaking representation in fee-generating cases. The LSC Act simply requires that any fee-generating cases undertaken by a recipient must be ''in accordance with guidelines promulgated by the Corporation.'' The Corporation's guidelines on fee-generating cases is 45 CFR Part 1609. With a few exceptions, this rule requires recipients to first determine whether private representation is available for any particular fee-generating case before accepting the case. This implements the Congressional intent that scarce Federal funds not be used for cases for which private representation is available. Recipients should note that the issue of attorneys' fees, which had been included in part 1609 is now the subject of section 504(a)(13) of the Corporation's FY 1996 appropriations act, and is dealt with in a new interim rule, 45 CFR Part 1642. In this rule, attorneys' fees are appropriately included in § 1610.2(b)(9).

''Activity prohibited by or inconsistent with Section 504'' is a new

definition that lists the restrictions and prohibitions in Section 504(a) of the Corporation's FY 1996 appropriations act that completely restrict the listed activities, regardless of the source of funding. The definition also makes reference to subsections 504(b) and 504(e), which provide exceptions to those prohibitions on activities supported by non-LSC funds.

''IOLTA funds'' is a new definition and is used in the revised section on authorized uses of non-LSC funds. IOLTA funds are defined as funds derived from programs established by State court rules or legislation that collect and distribute interest earned on lawyers' client trust accounts.

''Non-LSC funds'' are defined as funds derived from a source other than the Corporation and would include both public and private funds.

''Private funds'' are defined as funds derived from an individual or entity other than a governmental source or LSC.

The definition of ''public funds'' is similar to the definition for ''public funds'' in part 1600 of the Corporation's regulations. The definition clarifies that, for the purposes of this part, IOLTA funds will be treated in the same manner as public funds.

The definition of ''tribal funds'' is revised from the definition of ''tribal funds'' in part 1600 of these regulations in order to track the statutory language of section 504. ''Tribal funds'' are defined as funds received by a recipient from an Indian tribe or from a private nonprofit foundation or organization that are given for the benefit of Indians or Indian tribes.

The definition of ''private attorney'' and the corollary definition of ''law firm'' are included to help clarify the meaning of the applicability section of this regulation. A ''private attorney'' means an attorney engaged in the practice of law on a for-profit basis. A ''law firm'' is two or more private attorneys who have formed a partnership, corporation, or similar entity for the private practice of law on a for-profit basis.

''State or local entity of attorneys'' would include a State or local bar association, a pro bono or judicare program, or other similar entity, such as a panel of attorneys participating in a pre-paid legal services program.

Section 1610.3 Prohibition

The prohibition section has been revised to include the restrictions on various activities in Section 504 of the Corporation's FY 1996 appropriations act.

Section 1610.4 Authorized Use of Other Funds

This section has been revised to reflect the fact that the restrictions in Section 504 apply to activities supported by all funds except tribal funds, while those restrictions in the LSC Act which are not covered by Section 504, still apply only to LSC and private funds.

Section 1610.4(a): Paragraph (a) sets out an exception included in both the LSC Act and Section 504 for tribal funds. The exception exempts tribal funds from the general prohibition on the use of non-LSC funds, as long as the tribal funds are used for the purposes for which they were provided.

Section 1610.4(b). Section 1610.4(b) continues the exception in the LSC Act for public funds which permits recipients to use public funds in accordance with the purposes for which the funds were provided. However, because the Corporation's FY 1996 appropriations act contains no exception for public funds for most of its restrictions on activities, language is added providing that public funds may not be used for any activity prohibited by or inconsistent with Section 504. In accordance with current LSC policy, the section also provides that for purposes of applying this regulation, IOLTA funds are to be treated the same as public funds.

Section 1610.4(c). Paragraph (c) states the exception that allows recipients to use private funds if they use them for the purposes for which they were provided and if they do not use their private funds for any activity prohibited by the LSC Act or prohibited by or inconsistent with section 504.

Section 1610.4(d). Section 1610.4(d) reflects section 504(d)(2)(B) of the Corporation's FY 1996 appropriations act, which provides that a recipient may use non-LSC funds to provide legal assistance to financially ineligible persons, provided that the funds are used for the specific purpose for which they were received and are not used in a manner that violates the LSC Act or Section 504.

Section 1610.5 Notification

This section incorporates the requirement of section 504(d)(1) of the Corporation's FY 1996 appropriations act that recipients may not accept funds from non-LSC sources unless they provide written notice to the funders that their funds may not be used in any manner inconsistent with the LSC Act or section 504. The requirement applies only to cash contributions; recipients are not required to notify persons or organizations who make non-cash donations or volunteer their time or services to the recipient.

In an effort to relieve recipients of some of the administrative burden that might be imposed by this requirement, the proposed regulation contains a *de minimis* exception. The exception relieves recipients of the notice requirement for contributions of less than $250. This exception is intended to apply to relatively small contributions made by clients, attorneys or other funders who are generally supportive of the recipient's program. The $250 threshold was chosen because section 170(f)(8) of the Internal Revenue Code requires donors who contribute $250 or more to a charity to obtain documentation of the contribution in the form of an acknowledgement; and the Board decided that, if the recipient had to provide an acknowledgement to the donor anyway, it did not constitute any significant additional burden to incorporate the required notification into the acknowledgement.

Section 1610.6 Applicability

The title to this section has been changed from ''waiver'' to ''applicability'' to reflect the fact that section 1010(c) of the LSC Act, upon which it is based, provides that certain types of grants are not subject to the statutory prohibition. Because by law such situations are not covered by the prohibition, there should be no need for a waiver. Indeed, it has always been LSC's practice to allow the activities covered by this section, without affirmatively granting waivers.

Section 1610.6(a). Paragraph (a) deals with the issue of criminal representation and is intended to clarify the applicability of both the LSC Act's provisions on criminal representation and Section 504's prohibition on representation of persons who are incarcerated in Federal, State or local prisons. The provision in the Corporation's FY 1996 appropriations act prohibiting recipients from representing such incarcerated persons was not intended to amend section 1010(c) of the LSC Act which permits LSC to award grants and contracts to, and LSC recipients to enter into subgrants, contracts or judicare arrangements with, private attorneys or law firms or legal aid organizations which handle criminal cases in their non-LSC funded practices. Accordingly, this paragraph makes it clear that the restrictions of the FY 1996 appropriations act on the representation of incarcerated persons does not apply to the non-LSC funded representation of clients in criminal cases or matters of

such private attorneys, law firms or State or local entities of attorneys. Nor does it apply to legal aid organizations that provide criminal legal services through a separately funded public defender program, regardless of whether any of their clients are prisoners. Finally, this paragraph makes it clear that a recipient may accept court appointments in criminal cases, under certain circumstances, even if the clients they are appointed to defend are incarcerated.

Section 1610.6(b). This new provision makes it clear that if recipients use non-LSC funds to contract with individuals or entities, such as bar associations, pro bono programs or other non-profit organizations to provide legal services under a recipient's PAI or similar program, the restrictions of this part would apply to the funds transferred but would not apply to the individual or entity's other non-LSC funds. This provision is consistent with current LSC policy that states that a transfer of non-LSC funds to another organization is not a subgrant under 45 CFR Part 1627. Although the non-LSC funds transferred under contract are subject to the restrictions of this part, these restrictions do not attach to any other funds of the person or entity.

Section 1610.6(c). This section clarifies that, except as provided in paragraph (a) of § 1610.6, this part does not apply to transfers of LSC funds which are already governed by 45 CFR Part 1627. It should be noted that when LSC funds are transferred to a subrecipient, the subrecipient cannot engage in any activities restricted by § 504 and the restriction attaches to both the subrecipient's LSC funds and its non-LSC funds. This ensures compliance with the Congressional intent that no funds provided by the Corporation for financial assistance are provided to a person or entity that engages in activities prohibited by Section 504.

Section 1610.7 Accounting

This section has been renumbered but has not been otherwise revised. There has been no change to this statutory accounting requirement. Currently, recipients are directed by the accounting provisions in both the 1981 and 1986 versions of the Corporation's Audit and Accounting Guide for Recipients and Auditors (''Guide'') to account for their LSC and non-LSC funds separately. See page 12 in the 1986 Guide and pages 2–3 in the 1981 Guide.

List of Subjects in 45 CFR Part 1610

Grant programs—law, Legal services.

For reasons set forth in the preamble, LSC revises 45 CFR Part 1610 to read as follows:

PART 1610—USE OF NON-LSC FUNDS

Sec.
1610.1 Purpose.
1610.2 Definitions.
1610.3 Prohibition.
1610.4 Authorized use of other funds.
1610.5 Notification.
1610.6 Applicability.
1610.7 Accounting.

Authority: 42 U.S.C. 2996i; 110 Stat. 1321 (1996).

§ 1610.1 Purpose.

This part is designed to implement statutory restrictions on the use of non-LSC funds by LSC recipients.

§ 1610.2 Definitions.

(a) *Purpose prohibited by the LSC Act* means any activity prohibited by the following sections of the LSC Act and those provisions of the Corporation's regulations that implement such sections of the Act:

(1) Sections 1006(d)(3), 1006(d)(4), 1007(a)(6), and 1007(b)(4) of the LSC Act and 45 CFR Part 1608 of the LSC Regulations (Political activities);

(2) Section 1007(a)(10) of the LSC Act (Activities inconsistent with professional responsibilities);

(3) Section 1007(b)(2) of the LSC Act and 45 CFR Part 1613 of the LSC Regulations (Criminal proceedings);

(4) Section 1007(b)(3) of the LSC Act and 45 CFR Part 1615 of the LSC Regulations (Actions challenging criminal convictions);

(5) Section 1007(b)(7) of the LSC Act and 45 CFR Part 1612 of the LSC Regulations (Organizing activities);

(6) Section 1007(b)(8) of the LSC Act (Abortions);

(7) Section 1007(b)(9) of the LSC Act (School desegregation); and

(8) Section 1007(b)(10) of the LSC Act (Violations of Military Selective Service Act or military desertion).

(b) *Activity prohibited by or inconsistent with Section 504* means any activity prohibited by, or inconsistent with the requirements of, the following sections of 110 Stat. 1321 (1996) and those provisions of the Corporation's regulations that implement those sections:

(1) Section 504(a)(1) and 45 CFR Part 1632 of the LSC Regulations (Redistricting);

(2) Sections 504(a)(2) through (6), as modified by Sections 504(b) and (e), and 45 CFR Part 1612 of the LSC Regulations (Legislative and administrative advocacy);

(3) Section 504(a)(7) and 45 CFR Part 1617 of the LSC Regulations (Class actions);

(4) [Reserved]

(5) Section 504(a)(9) and 45 CFR Part 1620 of the LSC Regulations (Priorities);

(6) Section 504(a)(10) and 45 CFR Part 1635 of the LSC Regulations (Timekeeping);

(7) Section 504(a)(11) and 45 CFR Part 1626 of the LSC Regulations (Aliens);

(8) Section 504(a)(12) and 45 CFR Part 1612 of the LSC Regulations (Public policy training);

(9) [Reserved]

(10) Section 504(a)(14) (Abortion litigation);

(11) [Reserved]

(12) [Reserved]

(13) Section 504(a)(17) and 45 CFR Part 1633 of the LSC Regulations (Drug-related evictions); and

(14) [Reserved]

(c) *IOLTA funds* means funds derived from programs established by State court rules or legislation that collect and distribute interest on lawyers' trust accounts.

(d) *Non-LSC funds* means funds derived from a source other than the Corporation.

(e) *Private funds* means funds derived from an individual or entity other than a governmental source or LSC.

(f) *Public funds* means non-LSC funds derived from a Federal, State, or local government or instrumentality of a government. For purposes of this part, IOLTA funds shall be treated in the same manner as public funds.

(g) *Tribal funds* means funds received from an Indian tribe or from a private nonprofit foundation or organization for the benefit of indians or Indian tribes.

(h) *Private attorney* means any attorney who is engaged in the private practice of law on a for-profit basis. A ''law firm'' is a group of two or more private attorneys who are engaged in the private practice of law as a partnership, professional corporation, or similar arrangement.

(i) *State or local entity of attorneys* means a State or local voluntary or mandatory bar association, pro bono or judicare program, or other similar entity of attorneys.

§ 1610.3 Prohibition.

A recipient may not use non-LSC funds for any purpose prohibited by the LSC Act or for any activity prohibited by or inconsistent with section 504 , unless such use is authorized by §§ 1610.4 or 1610.6 of this part.

§ 1610.4 Authorized use of other funds.

(a) A recipient may receive tribal funds and expend them in accordance

with the specific purposes for which the tribal funds were provided.

(b) A recipient may receive public or IOLTA funds and use them in accordance with the specific purposes for which they were provided, if the funds are not used for any activity prohibited by or inconsistent with section 504.

(c) A recipient may receive private funds and use them in accordance with the purposes for which they were provided, provided that the funds are not used for any activity prohibited by the LSC Act or prohibited or inconsistent with section 504.

(d) A recipient may use non-LSC funds to provide legal assistance to an individual who is not financially eligible for services under part 1611 of this chapter, provided that the funds are used for the specific purposes for which those funds were provided and are not used for any activity prohibited by the LSC Act or prohibited by or inconsistent with section 504.

§ 1610.5 Notification.

(a) Except as provided in paragraph (b) of this section, no recipient may accept funds from any source other than the Corporation, unless the recipient provides written notification to the source of the funds that the funds may not be expended for any purpose or activity prohibited under this part.

(b) A recipient is not required to provide such notification for contributions of less than $250.

§ 1610.6 Applicability.

(a) The prohibitions referred to in §§ 1610.2(a)(3) (Criminal proceedings), (a)(4) (Actions challenging criminal convictions) or (b)(11) (Prisoner litigation) of this part will not apply to the non-LSC funds of the attorney, law firm, entity of attorneys, or the public defender program or project and will not apply to funds received to support criminal or related cases accepted pursuant to a court appointment, if the Corporation or a recipient makes a contract or other arrangement for the provision of civil legal assistance with:

(1) A private attorney, law firm or state or local entity of attorneys that represents clients in criminal cases or matters,

(2) A legal aid organization that provides criminal and related legal assistance through a separately funded public defender program or project; or

(3) A legal aid organization that accepts criminal or related cases pursuant to a court appointment.

(b) If a recipient uses non-LSC funds to enter into a contract or other arrangement with another person or entity for the provision of civil legal assistance, the restrictions referred to in this part will apply to the funds transferred, but will not apply to the other non-LSC funds of the person or entity.

(c) Except as provided in paragraph (a) of this section, this part does not apply to a transfer of LSC funds. Transfer of LSC funds is governed by 45 CFR part 1627.

§ 1610.7 Accounting.

Funds received by a recipient from a source other than the Corporation shall be accounted for as separate and distinct receipts and disbursements in a manner directed by the Corporation.

Dated: August 6, 1996.

Victor M. Fortuno,

General Counsel.

[FR Doc. 96–20414 Filed 8–12–96; 8:45 am]

BILLING CODE 7050–01–P

45 CFR Part 1617

Class Actions

AGENCY: Legal Services Corporation.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule completely revises the Legal Services Corporation's (''Corporation'' or ''LSC'') regulation concerning class actions. The revisions are intended to implement a restriction contained in the Corporation's FY 1996 appropriations act which prohibits the involvement of LSC recipients in class actions. Although this rule is effective upon publication, the Corporation solicits public comment on the interim rule in anticipation of adoption of a final rule at a later time.

DATES: The interim rule is effective on August 13, 1996. Comments must be submitted on or before September 12, 1996.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First St, NE, 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, (202) 336–8910.

SUPPLEMENTARY INFORMATION: On May 19, 1996, the Operations and Regulations Committee (''Committee'') of the LSC Board of Directors' (''Board'') requested LSC staff to prepare an interim rule to implement Section 504(a)(7), a restriction in the Corporation's FY 1996 appropriations act, Public Law 104–134, 110 Stat. 1321 (1996), which prohibits involvement of LSC recipients in class actions. The Committee held public hearings on staff proposals on July 8 and 19, and the Board adopted this interim rule on July 20 for publication in the Federal Register.

The Committee recommended and the Board agreed to publish this rule as an interim rule. An interim rule is necessary in order to provide prompt and critically necessary guidance to LSC recipients on legislation which is already effective and which carries strong penalties for noncompliance. Because of the great need for guidance on how to comply with substantially revised legislative requirements, prior notice and public comment are impracticable, unnecessary, and contrary to the public interest. See 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Accordingly, this interim rule is effective upon publication.

However, the Corporation also solicits public comment on the interim rule for review and consideration by the Committee. After receipt of written public comment, the Committee intends to hold public hearings to discuss the written comments and to hear oral comments. It is anticipated that a final rule will be issued which will supersede this interim rule.

Part 1617 is completely revised by this interim rule. Generally, this interim rule prohibits any recipient involvement in class actions. The prior regulation, which had not been revised since 1976, had allowed recipients to provide assistance in class actions as long as certain procedural requirements were met. No such involvement is allowed under this new rule.

A section-by-section discussion of this interim rule is provided below.

Section 1617.1 Purpose

The purpose of this rule is to prohibit involvement by LSC recipients in class actions.

Section 1617.2 Definitions

The definition of ''class action'' is revised to include only the nature of a class action. The prior definition also reached the issue of types of involvement in a class action, including involvement in various stages of a class action. Those issues are now included in the definition of ''initiating or participating in a class action.''

The definition of ''class action'' defers to widely accepted Federal and local court rules and statutory definitions. Thus, a class action for the purposes of this part is a ''class action'' pursuant to Rule 23 of the Federal Rules of Civil Procedure or the comparable State statute or rule of civil procedure

governing the action in the court where it is filed.

''Initiating or participating in any class action'' is defined to clarify that all types of involvement are prohibited at various stages of a class action prior to an order granting relief. Recipients may not initiate a class action or participate in one initiated by others, either at the trial or appellate level. Nor may recipients continue involvement in a case already begun that is later certified or otherwise determined by the court, *sua sponte* or on a motion by a party, to be a class action. In addition, recipients may not act as *amicus curiae* or co-counsel in a class action or intervene in a class action on behalf of individual clients who seek to withdraw from, intervene in, opt out of, modify, or challenge the adequacy of the representation of a class. Finally, recipients may not represent defendants in a class action.

Certain situations are not within the definition and are thus not prohibited by this rule. For example, recipients may advise clients about the pendency of a class action or its effect on the client and what the client would need to do to benefit from the case. Other actions related to a class action are also not included, but only because they involve actions taken after liability, if any, has been determined and an order of relief has been entered. Accordingly, recipients may be involved in non-adversarial monitoring of an order granting relief or representation of an individual client seeking the benefit of the order, provided that any such involvement is only on behalf of an individual client and does not involve representation of an entire class. In addition, if the class action resumes its adversarial nature for any reason, recipients would need to attempt withdrawal in order to avoid participating in a class action.

Finally, a class action would not include other forms of action, even if they result in relief that benefits numbers of clients or resolves issues that affect others in addition to the client, provided that the case is not also a class action as defined by this rule. For example, this rule does not apply to mandamus or to injunctive or declaratory relief actions, unless such actions are filed or certified as class actions.

The Committee especially seeks comments from recipients factually describing other situations which recipients consider to be outside the prohibition on initiating or participating in a class action that should be described in the language of the rule itself.

Section 1617.3 Prohibition

This section prohibits LSC recipients from initiating or participating in any class action.

Section 1617.4 Recipient Policies and Procedures

This section requires recipients to adopt written policies and procedures to guide the recipient's staff in ensuring compliance with this rule.

List of Subjects in 45 CFR Part 1617

Grant Programs—law, Legal services.

For reasons set out in the preamble, LSC revises 45 CFR part 1617 to read as follows:

PART 1617—CLASS ACTIONS

Sec.
1617.1 Purpose.
1617.2 Definitions.
1617.3 Prohibition.
1617.4 Recipient policies and procedures.

Authority: 29 U.S.C. 2996e(d)(5); 110 Stat. 1321 (1996).

§ 1617.1 Purpose.

This part is intended to ensure that LSC recipients do not initiate or participate in class actions.

§ 1617.2 Definitions.

(a) *Class action* means a lawsuit filed as, or otherwise declared by the court having jurisdiction over the case to be, a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure or the comparable State statute or rule of civil procedure applicable in the court in which the action is filed.

(b) *Initiating or participating in any class action* means any involvement at any stage of a class action prior to an order granting relief, including acting as amicus curiae, co-counsel or providing legal assistance to an individual client who seeks to withdraw from, intervene in, opt out of, modify, or challenge the adequacy of the representation of a class. It does not include non-adversarial monitoring of an order granting relief or individual representation of a client seeking to obtain the benefit of relief ordered by the court.

§ 1617.3 Prohibition.

Recipients are prohibited from initiating or participating in any class action.

§ 1617.4 Recipient policies and procedures.

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part.

Dated: August 6, 1996.

Victor M. Fortuno,

General Counsel.

[FR Doc. 96–20415 Filed 8–12–96; 8:45 am]

BILLING CODE 7050–01–P

45 CFR Part 1632

Redistricting

AGENCY: Legal Services Corporation.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule completely revises the Legal Services Corporation's (''LSC'' or ''Corporation'') regulation on redistricting to implement a new restriction contained in the Corporation's FY 1996 appropriations act, which extends the rule's prohibition on redistricting activities to funds formerly unrestricted. Although this rule is effective upon publication, the Corporation solicits public comment on the interim rule in anticipation of adoption of a final rule at a later time.

DATES: This interim rule is effective on August 13, 1996. Comments must be submitted on or before September 12, 1996.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First Street, NE, 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, at (202) 336–8910.

SUPPLEMENTARY INFORMATION: The LSC regulation on redistricting that is revised by this interim rule allowed recipients to use some non-LSC funds on redistricting activities. Section 504(a)(1) of the Corporation's Fiscal Year 1996 appropriations act, Public Law 104–134, 110 Stat. 1321 (1996), prohibits the Corporation from providing financial assistance to any person or entity (''recipient'') that makes available any funds, personnel or equipment for use in advocating or opposing any plan, proposal or litigation that is intended to or has the effect of altering, revising or reapportioning a legislative, judicial or elective district at any level of government, including influencing the timing or manner of the taking of a census. This legislative restriction prohibits recipient involvement in redistricting activities, regardless of the source of funds used for such activities.

On May 19, 1996, the Operations and Regulations Committee (''Committee'') of the Corporation's Board of Directors (''Board'') requested LSC staff to prepare

an interim rule to implement the new restriction on redistricting activities. The Committee held hearings on staff proposals on July 8 and 19, and the Board adopted this interim rule on July 20 for publication in the Federal Register. The Committee recommended and the Board agreed to publish this rule as an interim rule. An interim rule is necessary in order to provide prompt and critically necessary guidance to LSC recipients on legislation which is already effective and which carries strong penalties for noncompliance. Because of the great need for guidance on how to comply with substantially revised legislative requirements, prior notice and public comment are impracticable, unnecessary, and contrary to the public interest. See 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Accordingly, this rule is effective upon publication.

However, the Corporation also solicits public comment on the rule for review and consideration by the Committee and Board. The Committee intends to hold public hearings to discuss written comments received by the Corporation and to hear oral comments. It is anticipated that a final rule will be issued which will supersede this interim rule.

A section by section discussion of the interim rule is provided below.

Section 1632.1 Purpose

The purpose section has been revised to reflect an intent to implement the new statutory restrictions on involvement of LSC recipients in redistricting activities. The prior rule was not based on any express statutory restriction, but on policies adopted by a former board of directors.

Section 1632.2 Definitions

Section 1632.2 is amended by revising the definition of ''redistricting'' and adding paragraph designations to the definitions. The change to the definition is not substantive and the revisions are only intended to track more closely the statutory restriction contained in the Corporation's FY 1996 appropriations act.

Section 1632.3 Prohibition

The prohibition in paragraph (a) has been revised to track the statutory restriction in the Corporation's appropriations act. Also, some language which simply restates the definition of redistricting has been deleted since its repetition is confusing and unnecessary. Paragraph (b) clarifies that not all litigation brought under the Voting Rights Act of 1965 is prohibited. Only litigation which involves redistricting activities as defined by this rule is prohibited. This provision was set out in § 1632.4(a) of the prior rule.

Section 1632.4 Recipient Policies

Section 1632.4 requires recipients to adopt written policies to implement the requirements of this part.

Miscellaneous Changes

All provisions of the prior § 1632.4 on permissible activity have been deleted. Paragraph (a) of the prior rule, on litigation brought under the Voting Rights Act, has been moved and is now included in § 1632.3. Paragraph (b) of the prior rule was deleted because it was contrary to current law and it would have allowed a recipient to use some non-LSC funds for redistricting activities. Such use of non-LSC funds is now prohibited by this interim rule as required by LSC's appropriations act. Finally, paragraphs (c) and (d) in the prior rule were deleted because they simply restate law that is already reflected in other regulations.

List of Subjects in 45 CFR Part 1632

Grant programs-law, Legal services.

For reasons set forth in the preamble, 45 CFR part 1632 is revised to read as follows.

PART 1632—REDISTRICTING

Sec.
1632.1 Purpose.
1632.2 Definitions.
1632.3 Prohibition.
1632.4 Recipient policies.

Authority: 42 U.S.C. 2996e(b)(1)(A); 2996f(a)(2)(C); 2996f(a)(3); 2996(g)(e); 110 Stat. 1321(1996).

§ 1632.1 Purpose.

This part is intended to ensure that recipients do not engage in redistricting activities.

§ 1632.2 Definitions.

(a) *Advocating or opposing any plan* means any effort, whether by request or otherwise, even if of a neutral nature, to revise a legislative, judicial, or elective district at any level of government.

(b) *Recipient* means any grantee or contractor receiving funds made available by the Corporation under section 1006(a)(1) or 1006(a)(3) of the LSC Act. For the purposes of this part, ''recipient'' includes subrecipient and employees of recipients and subrecipients.

(c) *Redistricting* means any effort, directly or indirectly, that is intended to or would have the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census.

§ 1632.3 Prohibition.

(a) Neither the Corporation nor any recipient shall make available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represent any party or participate in any other way in litigation, related to redistricting.

(b) This part does not prohibit any litigation brought by a recipient under the Voting Rights Act of 1965, as amended, 42 U.S.C. 1971 *et seq.*, provided such litigation does not involve redistricting.

§ 1632.4 Recipient policies.

Each recipient shall adopt written policies to implement the requirements of this part.

Dated: August 6, 1996.

Victor M. Fortuno,

General Counsel.

[FR Doc. 96–20416 Filed 8–12–96; 8:45 am]

BILLING CODE 7050–01–P

45 CFR Part 1633

Restriction on Representation in Certain Eviction Proceedings

AGENCY: Legal Services Corporation.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule revises the Legal Services Corporation's (''LSC'' or ''Corporation'') regulation that prohibits recipients from using LSC funds to provide representation in public housing eviction proceedings of persons engaged in certain illegal drug activity. The revisions are intended to extend the prohibition to a recipient's non-LSC funds. Although this rule is effective upon publication, the Corporation also solicits public comment in anticipation of adoption of a final rule at a later time.

DATES: This interim rule is effective on August 13, 1996. Comments must be submitted on or before September 12, 1996.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First Street, NE, 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, at (202) 336–8910.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation's (''LSC'' or ''Corporation'') regulation, 45 CFR Part 1633, which is revised by this interim rule, prohibited involvement by

recipients in certain eviction proceedings but only applied when the prohibited activity was supported with LSC funds. Section 504(a)(17) of the Corporation's Fiscal Year 1996 appropriations act, Public Law 104–134, 110 Stat. 1321 (1996), extends the prohibition to a recipient's non-LSC funds. Accordingly, the purpose and prohibition sections of the prior rule have been revised in this interim rule to implement the new statutory restriction. However, the entire rule is reprinted as revised. For discussion of those provisions of the rule that have not been revised, see 60 FR 48950 (September 21, 1995).

On May 19, 1996, the Operations and Regulations Committee (''Committee'') of the LSC Board of Directors (''Board'') requested LSC staff to prepare an interim rule to implement the new restriction. The Committee held hearings on staff proposals on July 9 and 19, and the Board adopted this interim rule on July 20 for publication in the Federal Register. The Committee recommended and the Board agreed to publish this rule as an interim rule. An interim rule is necessary in order to provide prompt and critically necessary guidance to LSC recipients on legislation which is already effective and which carries strong penalties for noncompliance. Because of the great need for guidance on how to comply with substantially revised legislative requirements, prior notice and public comment are impracticable, unnecessary, and contrary to the public interest. See 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Accordingly, this rule is effective upon publication.

However, the Corporation also solicits public comment on the rule for review and consideration by the Committee and Board. The Committee intends to hold public hearings to discuss written comments received by the Corporation and to hear oral comments. It is anticipated that a final rule will be issued which will supersede this interim rule.

After the LSC Board initially adopted part 1633, the United States Department of Housing and Urban Development (''HUD'') announced, in March 1996, its ''One Strike and You're Out'' policy for public housing. Several elements of that policy affect drug-related evictions from public housing and bear consideration by recipients. One element of the policy requires public housing authorities (PHAs) to include in each tenant's lease provisions holding the leaseholder responsible for the actions of all members of the household and guests. Another authorizes eviction for all drug-related activity whether on or off premises. Section 504 (a)(17) of Public Law 104–134, 110 Stat. 1321, the Corporation's FY 1996 appropriations act, expressly prohibits representation by LSC recipients in any eviction proceeding on behalf of a person charged with the illegal sale or distribution of a controlled substance, and then only if the illegal drug activity threatens the health or safety of another tenant or employee of the public housing agency. This interim rule generally adheres to the specific provisions of the appropriations act, but LSC particularly solicits comments on the proper role for recipients in light of the somewhat differing policy position of HUD.

In general, the revisions to part 1633 implement section 504(a)(17) of the Corporation's appropriations act which prohibits the Corporation from providing funds to recipients that defend, in public housing eviction proceedings, persons who have been charged with the illegal sale or distribution of a controlled substance, regardless of the source of the funds used to pay for the representation. Accordingly, revisions have been made to the rule's ''purpose'' and ''prohibition'' sections. The entire rule is reprinted as revised.

List of Subjects in 45 CFR part 1633

Grant programs-law, Legal services.

For reasons set forth in the preamble, 45 CFR part 1633 is revised to read as follows:

PART 1633—RESTRICTION ON REPRESENTATION IN CERTAIN EVICTION PROCEEDINGS

Sec.

Authority: 42 U.S.C.§§ 2996e(a), 2996e(b)(1)(A), 2996f(a)(2)(C), 2996f(a)(3), 2996g(e); 110 Stat. 1321 (1996).

§ 1633.1 Purpose.

This part is designed to ensure that in certain public housing eviction proceedings recipients refrain from defending persons charged with or convicted of illegal drug activities.

§ 1633.2 Definitions.

(a) *Controlled substance* has the meaning given that term in § 102 of the Controlled Substances Act (21 U.S.C. 802);

(b) *Public housing project* and *public housing agency* have the meanings given those terms in § 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a);

(c) A person has been *charged with* engaging in illegal drug activities if a criminal proceeding has been instituted against such person by a governmental entity with authority to initiate such proceeding and such proceeding is pending.

§ 1633.3 Prohibition.

Recipients are prohibited from defending any person in a proceeding to evict that person from a public housing project if:

(a) The person has been charged with or, within one year prior to the date when services are requested from a recipient, has been convicted of the illegal sale or distribution of a controlled substance; and

(b) The eviction proceeding is brought by a public housing agency on the basis that the illegal drug activity for which the person has been charged or for which the person has been convicted did or does now threaten the health or safety of other tenants residing in the public housing project or employees of the public housing agency.

§ 1633.4 Recipient policies, procedures and recordkeeping.

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part and shall maintain records sufficient to document the recipient's compliance with this part.

Dated: August 6, 1996.

Victor M. Fortuno,

General Counsel.

[FR Doc. 96–20417 Filed 8–12–96; 8:45 am]

BILLING CODE 7050–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket 86–285, FCC 96–332]

Schedule of Application Fees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its Schedule of Application Fees to adjust the fees for processing applications and other filings. Section 8(b) of the Communications Act requires the Commission to adjust its application fees every two years after October 1, 1991 to reflect the net change in the Consumer Price Index for all Urban Consumers (CPI–U). The increased fees reflect the net change in the CPI–U of 21.5 percent, calculated from December 1989 to September 1995.

EFFECTIVE DATE: September 12, 1996.

FOR FURTHER INFORMATION CONTACT:

Regina Dorsey or Claudette Pride, Billings & Collections Branch, Office of Managing Director at (202) 418–1995.

SUPPLEMENTARY INFORMATION:

Adopted: August 7, 1996
Released: August 7, 1996

1. By this action, the Commission amends its Schedule of Application Fees, 47 CFR 1.1102 through 1.1107 to adjust the fees for processing applications and other filings. Section 8(b) of the Communications Act, as amended, requires that the Commission review and adjust its application fees every two years after October 1, 1991 (47 U.S.C. 158(b)). The adjusted or increased fees reflect the net change in the Consumer Price Index for all Urban Consumers (CPU–U) of 21.5 percent, calculated from December 1989 to September 1995. The adjustments made to the fee schedule comport with the statutory formula set forth in Section 8(b). Consistent with Section 8(b), the Commission transmitted to Congress a 90-day advance notification of the fee adjustments on June 11, 1996. If Congress interposes no objection to the proposed increases within the 90 day period, the new fees will become effective as set forth below.

2. Accordingly, it is ordered, that the Schedule of Application Fees, 47 CFR Section 1.1102 through 1.1107 is amended as set forth below, effective on September 12, 1996.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

47 CFR Part 1 is amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

Section 1.1102 is revised to read as follows:

§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Marine Coast Radio Service:				
a. New, Renewal	503	105	PBMR	Federal Communications Commission, Marine Coast Service, P.O. Box 358265, Pittsburgh, PA 15251–5265.
b. Modification, Assignment, Nonprofit, (CMRS) Public Coast/New, Modification, Renewal.	503	90	PBMM	Federal Communications Commission, Marine Coast Service, P.O. Box 358770, Pittsburgh, PA 15251–5770.
c. Automated Renewal	452R	105	PBMR	Federal Communications Commission, Marine Coast Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270.
2. Aviation Ground Radio Service:				
a. New, Renewal	406	105	PBVR	Federal Communications Commission, Aviation Ground Service, P.O. Box 358260, Pittsburgh, PA 15251–5260.
b. Modification, Assignment, Nonprofit	406	90	PBVM	Federal Communications Commission, Aviation Ground Service, P.O. Box 358765, Pittsburgh, PA 15251–5765.
c. Automated Renewal	452R	105	PBVR	Federal Communications Commission, Aviation Ground Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270.
3. Ship Radio Service:				
a. New, Renewal	506	75	PASR	Federal Communications Commission, Ship Radio Service, P.O. Box 358275, Pittsburgh, PA 15251–5275.
b. Modification, Nonprofit	506	45	PASM	Federal Communications Commission, Ship Radio Service, P.O. Box 358775, Pittsburgh, PA 15251–5775.
c. Exemption from Ship Station Requirement.	820	130	PDWM	Federal Communications Commission, Waiver Requests, P.O. Box 358300, Pittsburgh, PA 15251–5300.
d. Automated Renewal	405B	75	PASR	Federal Communications Commission, Marine Ship Renewal, P.O. Box 358290, Pittsburgh, PA 15251–5290.
4. Aircraft Radio Service:				
a. New, Renewal	404	75	PAAR	Federal Communications Commission, Aircraft Radio Service, P.O. Box 358280, Pittsburgh, PA 15251–5280.
b. Modification, Nonprofit	404	45	PAAM	Federal Communications Commission, Aircraft Radio Service, P.O. Box 358780, Pittsburgh, PA 15251–5780.
c. Automated Renewal	405B	75	PAAR	Federal Communications Commission, Aviation Aircraft Renewal, P.O. Box 358290, Pittsburgh, PA 15251–5290.
5. Private Operational Fixed Microwave Radio Service:				

Action	FCC Form No.	Fee amount	Payment type code	Address
a. New, Renewal	402	225	PEOR	Federal Communications Commission, Operational Fixed Microwave Service, P.O. Box 358250, Pittsburgh, PA 15251–5250.
b. Modification, Assignment, Nonprofit	402	190	PEOM	Federal Communications Commission, Operational Fixed Microwave Service, P.O. Box 358760, Pittsburgh, PA 15251–5760.
c. Automated Renewal	402R	225	PEOR	Federal Communications Commission, Operational Fixed Microwave Service Renewal, P.O. Box 358255, Pittsburgh, PA 15251–5255.
6. Land Mobile Radio Services:				
a. Land Transportation Services:				
(1) New, Renewal, Reinstatement	600	60	PALR	Federal Communications Commission, Land Transportation Services, P.O. Box 358215, Pittsburgh, PA 15251–5215.
(2) Modification, Assignment, Nonprofit.	600	45	PALM	Federal Communications Commission, Land Transportation Services, P.O. Box 358730, Pittsburgh, PA 15251–5730.
b. Business Radio Service:				
(1) (PMRS) New, Renewal, Reinstatement.	600	60	PALR	Federal Communications Commission, Business Radio Service, P.O. Box 358220, Pittsburgh, PA 15251–5520.
(2) Modification, Assignment, Nonprofit, and (CMRS) New, Renewal, Reinstatement.	600, 490	45	PALM	Federal Communications Commission, Business Radio Service, P.O. Box 358735, Pittsburgh, PA 15251–5735.
c. Other Industrial Services:				
(1) New, Renewal, Reinstatement	600	60	PALR	Federal Communications Commission, Other Industrial Services, P.O. Box 358225, Pittsburgh, PA 15251–5225.
(2) Modification, Assignment, Nonprofit.	600	45	PALM	Federal Communications Commission, Other Industrial Services, P.O. Box 358740, Pittsburgh, PA 15251–5740.
d. 800 Megahertz Services:				
(1) (PMRS) New, Renewal, Reinstatement.	600	80	PALS	Federal Communications Commission, 800 Megahertz Services, P.O. Box 358235, Pittsburgh, PA 15251–5235.
(2) Modification, Assignment, Nonprofit and (CMRS) New, Renewal Reinstatement.	600, 490	45	PALM	Federal Communications Commission, 800 Megahertz Services, P.O. Box 358750, Pittsburgh, PA 15251–5750.
e. 900 Megahertz Service:				
(1) (PMRS) New, Renewal, Reinstatement.	600	80	PALS	Federal Communications Commission, 900 Megahertz Services, P.O. Box 358240, Pittsburgh, PA 15251–5240.
(2) Modification, Assignment, Nonprofit and (CMRS) New, Renewal, Reinstatement.	600, 490	45	PALM	Federal Communications Commission, 900 Megahertz Services, P.O. Box 358755, Pittsburgh, PA 15251–5755.
f. 470–512 Megahertz Service:				
(1) (PMRS) New, Renewal, Reinstatement.	600	80	PALS	Federal Communications Commission, 470–512 Megahertz Service, P.O. Box 358810, Pittsburgh, PA 15251–5810.
(2) Modification, Assignment, Nonprofit and (CMRS) New, Renewal, Reinstatement.	600, 490	45	PALM	Federal Communications Commission, 470–512 Megahertz Service, P.O. Box 358815, Pittsburgh, PA 15251–5815.
g. 220 Megahertz Service (Local):				
(1) (PMRS) New, Renewal, Reinstatement.	600	80	PALS	Federal Communications Commission, 200 Megahertz Service (Local), P.O. Box 358360, Pittsburgh, PA 15251–5360.
(2) Modification, Assignment, Nonprofit and (CMRS) New, Renewal, Reinstatement.	600, 490	45	PALM	Federal Communications Commission, 220 Megahertz Service (Local), P.O. Box 358790, Pittsburgh, PA 15251–5790.
h. 220 Megahertz Service (Nationwide):				
(1) (PMRS) New, Renewal, Reinstatement.	600	115	PALT	Federal Communications Commission, 220 Megahertz Service (Nationwide), P.O. Box 358820, Pittsburgh, PA 15251–5820.
(2) Modification, Assignment, Nonprofit and (CMRS) New, Renewal, Reinstatement.	600, 490	45	PALM	Federal Communications Commission, 220 Megahertz Service (Nationwide), P.O. Box 358825, Pittsburgh, PA 15251–5825.
i. BUS, OI, LT, GMRS, 470–512, 800, 900, 220 (Local), 220 (Nationwide)- Nonprofit Renewal; and PS/SE (for profit).	574R/405A	45	PALM	Federal Communications Commission, 574R/405A Station Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245.

Action	FCC Form No.	Fee amount	Payment type code	Address
j. BUS, OI, LT, GMRS, Renewal	574R/405A	60	PALR	Federal Communications Commission, 574R/405A Station Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245.
k. IVDS Renewal (Nonprofit)	574R/405A	45	PAIM	Federal Communications Commission, 574R/405A Station Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245.
l. IVDS Renewal	574R/405A	115	PAIR	Federal Communications Commission, 574R/405A Station Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245.
m. 220 (Nationwide) Renewal	574R/405A	115	PALT	Federal Communications Commission, 574R/405A Station Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245.
n. 470–512, 800, 900, 220 (Local) Renewal.	574R/405A	80	PALS	Federal Communications Commission, 574R/405A Station Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245.
7. Finders Preference	159 & Corres	130	PDXM	Federal Communications Commission, Finders Preference, P.O. Box 358305, Pittsburgh, PA 15251–5305.
8. STA (Common Carrier):				
a. Point-to-Point Mircowave	159 & Corres	90	CEP	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
b. Local Television Transmission	159 & Corres	90	CEP	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
9. STA (Common Carrier):				
a. Digital Electronic Message	159 & Corres	90	CEL	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
10. STA (BAPS)	159 & Corres	125	MGA	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
11. STA (IVDS)	159 & Corres	45	PAIM	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
12. STA (Coast)	159 & Corres	125	PCMM	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
13. STA (Ground)	159 & Corres	125	PCVM	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
14. STA (Microwave)	159 & Corres	45	PAOM	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
15. STA (LM, GMRS)	159 & Corres	45	PALM	Federal Communications Commission, Special Temporary Authority, P.O. Box 358305, Pittsburgh, PA 15251–5305.
16. Corres. (Duplicate)	159 & Corres	45	PADM	Federal Communications Commission, Duplicate, P.O. Box 358305, Pittsburgh, PA 15251–5305.
17. Corres. (Hearing)	159 & Corres	8,215	PFHM	Federal Communications Commission, Hearing, P.O. Box 358305, Pittsburgh, PA 15251–5305.
18. Corres. (Wait List)	159 & Corres	45	PAWM	Federal Communications Commission, Wait List, P.O. Box 358305, Pittsburgh, PA 15251–5305.
19. Corres. (Blanket Renewal) Land Mobile (Nonprofit).	159 & Corres	45	PALM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
20. Corres. (Blanket Renewal) IVDS (Nonprofit)	159 & Corres	45	PAIM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
21. Corres. (Blanket Renewal) Microwave (Nonprofit).	159 & Corres	190	PEOM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
22. Corres. (Blanket Renewal) Ground (Nonprofit).	159 & Corres	90	PBVM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
23. Corres. (Blanket Renewal) Coast (Nonprofit).	159 & Corres	90	PBMM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.

Action	FCC Form No.	Fee amount	Payment type code	Address
24. Corres. (Blanket Renewal) Aircraft (Nonprofit).	159 & Corres	45	PAAM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
25. Corres. (Blanket Renewal) Ship (Nonprofit)	159 & Corres	45	PASM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
26. Corres. (Blanket Renewal) BUS, OI, LT, GMRS.	159 & Corres	60	PALR	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
27. Corres. (Blanket Renewal) 470–512, 800, 900, 220 (Local).	159 & Corres	80	PALS	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
28. Corres (Blanket Renewal) 220 (Nationwide)	159 & Corres	115	PALT	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
29. Corres (Blanket Renewal) IVDS	159 & Corres	115	PAIR	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
30. Corres (Blanket Renewal) Microwave	159 & Corres	225	PEOR	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
31. Corres (Blanket Renewal) Ground	159 & Corres	105	PBVR	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
32. Corres (Blanket Renewal) Coast	159 & Corres	105	PBMR	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
33. Corres (Blanket Renewal) Aircraft	159 & Corres	75	PAAR	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
34. Corres (Blanket Renewal) Ship	159 & Corres	75	PASR	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
35. Corres (Blanket Renewal) Common Carrier	159 & Corres	190	CJPM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
36. Corres (Blanket Renewal) Common Carrier	159 & Corres	190	CJLM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
37. Corres (Blanket Renewal) BAPS	159 & Corres	45	MAAM	Federal Communications Commission, Blanket Renewal, P.O. Box 358305, Pittsburgh, PA 15251–5305.
38. Interactive Video Data Service:				
a. New, Renewal	574	115	PAIR	Federal Communications Commission, Interactive Video Data Service, P.O. Box 358365, Pittsburgh, PA 15251–5365.
b. Modification	574	45	PAIM	Federal Communications Commission, Interactive Video Data Service, P.O. Box 358795, Pittsburgh, PA 15251–5795.
39. General Mobile Radio Service:				
a. New, Renewal	574	60	PALR	Federal Communications Commission, General Mobile Radio Service, P.O. Box 358230, Pittsburgh, PA 15251–5330.
b. Modification	574	45	PALM	Federal Communications Commission, General Mobile Radio Service, P.O. Box 358745, Pittsburgh, PA 15251–5745.
40. Commercial Radio Operators Restricted Radiotelephone Operator Permit and Restricted Radiotelephone Operator Permit (Limited Use):				
a. New	753, 755	45	PARR	Federal Communications Commission, Restricted Permit, P.O. Box 358295, Pittsburgh, PA 15251–5295.
41. Commercial Radio Operators Marine Radio Operator Permit, GMDSS Radio Operator, GMDSS Radio Maintainer, GMDSS Radio Operator/Maintainer, First, Second, Third Class Radiotelegraph Operator:				
a. Renewal	756	45	PACS	Federal Communications Commission, Radio Operator Permits, P.O. Box 358805, Pittsburgh, PA 15251–5805.

Action	FCC Form No.	Fee amount	Payment type code	Address
42. Transfer of Control	703, 490	45	PATM	Federal Communications Commission, Transfer of Control, P.O. Box 358310, Pittsburgh, PA 15251–5805.
43. Point to Point Microwave & Local Television Transmission Service:				
a. New Conditional or Modified Conditional	494	190	CJP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
b. Certification of Completion of Construction.	494A	190	CJP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
c. Renewal of License	405	190	CJP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
d. Assignment of Authorization	702	70	CCP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
(1) Additional Stations	702	45	CAP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
e. Transfer of Control	704	70	CCP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
(1) Additional Stations	704	45	CAP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
f. Extension of Construction Authority	701	70	CCP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
g. Request for Waiver of Prior Construction Authorization.	159 & Corres	90	CEP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
44. Digital Electronic Message Service:				
a. New Conditional or Modified Conditional	494	190	CJL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
b. Certification of Completion of Construction.	494A	190	CJL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
c. Renewal of License	405	190	CJL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
d. Assignment of Authorization	702	70	CCL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
(1) Additional Stations	702	45	CAL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
e. Transfer of Control	704	70	CCL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
(1) Additional Stations	704	45	CAL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
f. Extension of Construction Authority	701	70	CCL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
g. Request for Waiver of Prior Construction Authorization Requirement.	159 & Corres	90	CEL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358680, Pittsburgh, PA 15251–5680.
45. Broadcast Auxiliary Radio Service:				
a. New Modification	313	105	MEA	Federal Communications Commission, Mass Media Services, P.O. Box 358700, Pittsburgh, PA 15251–5700.
b. Renewal	159/313R	45	MAA	Federal Communications Commission, Mass Media Services, P.O. Box 358700, Pittsburgh, PA 15251–5700.
46. Billing	Invoice	Various	Various	Federal Communications Commission, Billings, P.O. Box 358325, Pittsburgh, PA 15251–5325.

Action	FCC Form No.	Fee amount	Payment type code	Address
47. Amateur Vanity C/S	610V	30	WAVR	Federal Communications Commission, Amateur Vanity, P.O. Box 358924, Pittsburgh, PA 15251–5924.
48. Electronic Filing:				
a. LT, OI, BUS, GMRS, (PMRS) New, Renewal, Reinstatement.	ELT	60	PALR	Federal Communications Commission, Electronic Filing, P.O. Box 358994, Pittsburgh, PA 15251–5994.
b. Modification, Assignment, Nonprofit and (CMRS) New, Renewal, Reinstatement.	ELT	45	PALM	Federal Communications Commission, Electronic Filing, P.O. Box 358994, Pittsburgh, PA 15251–5994.
c. 220 MHZ (Local), 470–512, 800, 900, (PMRS) New, Renewal, Reinstatement.	ELT	80	PALS	Federal Communications Commission, Electronic Filing, P.O. Box 358994, Pittsburgh, PA 15251–5994.
d. 220 (Nationwide), (PMRS) New, Renewal, Reinstatement.	ELT	115	PALT	Federal Communications Commission, Electronic Filing, P.O. Box 358994, Pittsburgh, PA 15251–5994.
e. IVDS New, Renewal, Reinstatement	ELT	115	PAIR	Federal Communications Commission, Electronic Filing, P.O. Box 358994, Pittsburgh, PA 15251–5994.
49. Public Safety/Special Emergency (for profit) New, Modification, Renewal, Reinstatement, Assignment.	600	45	PALM	Federal Communications Commission, PS/SE Services, P.O. Box 358285, Pittsburgh, PA 15251–5285.
50. Paging and Radiotelephone Stations:				
a. New or Additional Facility	600	280	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. Major Modification	600	280	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
c. Fill in Transmitters	489,600	280	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Major Amendment to Pending Application.	600	280	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
e. Assignment or Transfer	490	280	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
(1) Additional Call Sign	490	45	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Partial Assignment	489, 490, 600	280	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
g. Renewal	159/405	45	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Minor Modifications	489	45	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
i. Special Temporary Authority	159 & Corres	245	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
j. Extension of Time to Construct	600	45	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
k. Notice of Completion of Construction	489	45	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
l. Auxiliary Test Station	600	245	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
m. Subsidiary Communications Service	600	125	CFD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
n. Combining Call Signs	489	245	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
o. 900 MHz Nationwide Renewal Paging Network Organizer, Network Operator.	159/405	45	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.

Action	FCC Form No.	Fee amount	Payment type code	Address
p. Air-Ground Individual License—New, Renewal, Modification.	159/409	45	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
51. Cellular systems:				
a. New, Additional Facility, Major Modification.	600	280	CMC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
b. Minor Modification	489	75	CDC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
c. Assignment or Transfer	490	280	CMC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
d. Partial Assignment	489, 490, 600	280	CMC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
e. Renewal	159/405	45	CAC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
f. Extension of Time to Complete Construction.	600	45	CAC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
g. Special Temporary Authority	600 or 159 & Corres	245	CLC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
h. Combining Cellular Geographic Service Areas (per system).	600	65	CBC	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358135, Pittsburgh, PA 15251–5135.
52. Rural Radio:				
a. New, Additional Facility or Major Modification, Major Amendment to a Pending Application.	600	130	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. Minor Modification	489	45	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
c. Assignment or Transfer First Call Sign	490	130	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
(1) Each Additional Call Sign	490	45	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
(2) Partial Assignment (per call sign)	489, 490, 600	130	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
d. Renewal (per call sign)	159/405	45	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
e. Extension of Time to Construct	600	45	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Notice of Completion of Construction	489	45	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
g. Special Temporary Authority	159 & Corres	245	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Combining Call Signs	489	245	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
i. Auxiliary Test Station	600	245	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
53. Offshore Radio Service:				
a. New, Additional Facility, Major Modification, (per transmitter).	600	130	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
b. Fill in Transmitters (per transmitter)	489, 600	130	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
c. Major Amendment to a Pending Application (per transmitter).	600	130	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.

Action	FCC Form No.	Fee amount	Payment type code	Address
d. Minor Modification (per transmitter)	489	45	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
e. Assignment of Transfer:				
(1) First Call Sign	490	130	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
(2) Each Additional Call Sign	490	45	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
(3) Partial Assignment (per call sign)	489, 490, 600	130	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
f. Renewal (per call sign)	159/405	45	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
g. Extension of Time to Construct (per Application).	600	45	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
h. Notice of Completion of Construction (per Application.	489	45	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
i. Special Temporary Authority	159 & Corres	245	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
j. Combining Call Signs (per call sign)	489	245	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.
k. Auxiliary Test Station (per transmitter)	159 & 401	245	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251–5130.

3. Section 1.1103 is revised to read as follows:

§ 1.1103 Schedule of charges for equipment authorization, experimental radio services, ship inspections and international telecommunications settlements.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Certification:				
a. Receivers (except TV and FM)	731	350	EEC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
b. All Other Devices	731	895	EGC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
c. Modifications and Class II Permissive Changes.	731	45	EAC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
d. Request for Confidentiality	731 or 159 & Corres.	130	EBC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
2. Type Acceptance:				
a. All Devices	731	450	EFT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
b. Modifications and Class II Permissive Changes.	731	45	EAT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
c. Request for Confidentiality	731 or 159 & Corres.	130	EBT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
3. Notifications (All Devices)	731	140	ECN	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
4. Advance Approval for Subscription TV System.	159 & Corres	2,740	EIS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.

Action	FCC Form No.	Fee amount	Payment type code	Address
a. Request for Confidentiality	159 & Corres	130	EBS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
5. Assignment of Applicant Code:				
a. New applicants for all application types except Subscription TV.	159 & Corres	45	EAG	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.
6. Experimental Radio Service:				
a. New Station Authorization	442	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
b. Modification of Authorization	442	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
c. Renewal of Station Authorization	405	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
d. Assignment or Transfer of Control	702 or 703	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
e. Special Temporary Authority	159 & Corres	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
f. Additional fee required for any of the above applications that request confidentiality.	159 & Corres	45	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.
7. Ship Inspections:				
a. Passenger Vessel Under Title III, Part III.	801	390	FCS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251–5110.
b. Oceangoing Vessel Under Title III, Part II.	801	755	FFS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251–5110.
c. Vessels Under the Great Lakes Agreement.	801	110	FDS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251–5110.
d. Vessels Under the Safety of Life at Sea (SOLAS) Convention.	801	660	FES	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251–5100.
e. Temporary Waiver of Inspection	159 & Corres	75	FBS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251–5110.
8. International Telecommunications Settlements Administrative Fee for Collections (per line item).	99	2	IAT	Licensees will be billed.

4. Section 1.1104 is revised to read as follows:

§ 1.1104 Schedule of charges for applications and other filings in the mass media services.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Commercial Television Stations:				
a. New or Major Change Construction Permit.	301	3,080	MVT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
b. Minor Change	301	690	MPT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
c. New License	302/302–TV	210	MJT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
d. License Renewal	303–S	125	MGT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
e. License Agreement:				
(1) Long Form	314	690	MPT	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316	100	MDT	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.

Action	FCC Form No.	Fee amount	Payment type code	Address
f. Transfer of Control:				
(1) Long Form	315	690	MPT	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316	100	MDT	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
g. Hearing (New and Major or minor change comparative construction permit hearings; comparative license renewal hearings).	159 & Corres	8,215	MWT	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.
h. Call Sign	159 & Corres	70	MBT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
i. Extension of Time to Construct or Replacement of Construction Permit.	307	245	MKT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
j. Special Temporary Authority	159 & Corres	125	MGT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
k. Petition for Rulemaking for New Community of License.	301/302/302–TV	1,905	MRT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
i. Ownership Report	323	45	MAT	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.
2. Commercial AM Radio Stations:				
a. New or Major Change Construction Permit.	301	2,740	MUR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
b. Minor Change	301	690	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
c. New License	302–AM	450	MMR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
d. AM Directional Antenna	302–AM	520	MOR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
e. AM Remote Control	301–A/301	45	MAR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
f. License Renewal	303–S	125	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
g. License Assignment:				
(1) Long Form	314	690	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
h. Transfer of Control:				
(1) Long Form	315	690	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
i. Hearing (New and major/minor change comparative construction permit hearings; comparative license renewal hearings).	159 & Corres	8,215	MWR	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.
j. Call Sign	159 & Corres	70	MBR	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
k. Extension of Time to Construct or Replacement of Construction Permit.	307	245	MKR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
l. Special Temporary Authority	159 & Corres	125	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.

Action	FCC Form No.	Fee amount	Payment type code	Address
m. Ownership Report	323	45	MAR	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.
3. Commercial FM Radio Stations:				
a. New or Major Change Construction Permit.	301	2,470	MTR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
b. Minor Change	301	690	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
c. New License	302–FM	140	MHR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
d. FM Directional Antenna	302–FM	435	MLR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
e. License Renewal	303–S	125	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
f. License Assignment:				
(1) Long Form	314	690	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
g. Transfer of Control:				
(1) Long Form	315	690	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
(2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
h. Hearing (New and major/minor change comparative construction permit hearings; comparative license renewal hearings).	159 & Corres	8,215	MWR	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.
i. Call Sign	159 & Corres	70	MBR	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
j. Extension of Time to Construct or Replacement of Construction Permit.	307	245	MKR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
k. Special Temporary Authority	159 & Corres	125	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
l. Petition for Rulemaking for New Community of License or Higher Class Channel.	301/302–FM	1,905	MRR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.
m. Ownership Report	323	45	MAR	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.
4. FM Translators:				
a. New or Major Change Construction Permit.	349	520	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
b. New License	350	105	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
c. License Renewal	303–S	45	MAF	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.
d. Special Temporary Authority	159 & Corres	125	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
e. License Assignment	345/316, 315/314	100	MDF	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
f. Transfer of Control	345/316, 315/314	100	MDF	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
5. TV Translators and LPTV Stations:				

Action	FCC Form No.	Fee amount	Payment type code	Address
a. New or Major Change Construction Permit.	346	520	MOL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
b. New License	347	105	MEL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
c. License Renewal	303–S	45	MAL	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.
d. Special Temporary Authority	159 & Corres	125	MGL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
e. License Assignment	345/316, 315/314	100	MDL	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
f. Transfer of Control	345/316, 315/314	100	MDL	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.
6. FM Booster Stations:				
a. New or Major Change Construction Permit.	349	520	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
b. New License	350	105	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
c. Special Temporary Authority	159 & Corres	125	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.
7. TV Booster Stations:				
a. New or Major Change Construction Permit.	346	520	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
b. New License	347	105	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
c. Special Temporary Authority	159 & Corres	125	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.
8. Multipoint Distribution Service (including multichannel MDS):				
a. Conditional License	304	190	CJM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
b. Major Modification of Conditional Licenses or License Authorization.	304	190	CJM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
c. Certificate of Completion of Construction	494–A/304–A	555	CPM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
d. License Renewal	405	190	CJM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
e. Assignment or Transfer:				
(1) First Station Application	702/704	70	CCM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
(2) Each Additional Station	702/704	45	CAM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
f. Extension of Construction Authorization	701	140	CHM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.
g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization.	159 & Corres	90	CEM	Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.

5. Section 1.1105 is revised to read as follows:

§ 1.1105 Schedule of charges for applications and other filings in the common carrier services.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. All Common Carrier Services:				
a. Hearing (Comparative New or Modifications).	159 & Corres	8,215	BHZ	Federal Communications Commission, Common Carrier Enforcement, P.O. Box 358120, Pittsburgh, PA 15251–5120.
b. Developmental Authority (Same charge as regular authority in service unless otherwise indicated)				
c. Formal Complaints Filing Fee	159 & Corres	150	CIZ	Federal Communications Commission, Common Carrier Enforcement, P.O. Box 358120, Pittsburgh, PA 15251–5120.
2. Domestic 214 Applications:				
a. Domestic Cable Construction	159 & Corres	745	CUT	Federal Communications Commission, Common Carrier Network Services, P.O. Box 358145, Pittsburgh, PA 15251–5145.
b. Other	159 & Corres	745	CUT	Federal Communications Commission, Common Carrier Network Services, P.O. Box 358145, Pittsburgh, PA 15251–5145.
3. Telephone Equipment Registration	159 & 730	190	CJQ	Federal Communications Commission, Common Carrier Network Services, P.O. Box 358145, Pittsburgh, PA 15251–5145.
4. Tariff Filings:				
a. Filing Fees	159 & Corres	600	CQK	Federal Communications Commission, Common Carrier Tariff Filings, P.O. Box 358150, Pittsburgh, PA 15251–5150.
b. Special Permission Filing (per filing) (waiver of any rule in Part 61 of the Commission's rules).	159 & Corres	600	CQK	Federal Communications Commission, Common Carrier Tariff Filings, P.O. Box 358150, Pittsburgh, PA 15251–5150.
c. Waiver of Part 69 Tariff Rules	159 & Corres	600	CQK	Federal Communications Commission, Common Carrier Tariff Filings, P.O. Box 358150, Pittsburgh, PA 15251–5150.
5. Accounting and Audits:				
a. Field Audits	N/A	75,680	BLA	Carriers will be billed.
b. Review of Attest Audit	N/A	41,310	BMA	Carriers will be billed.
c. Review of Depreciation Update Study (single state).	159 & Written Study	25,015	BKA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.
(1) Each Additional State	Same as 5c	830	CVA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.
d. Interpretation of Accounting Rules (per request).	159 & Corres	3,510	BCA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.
e. Petition for Waiver (per petition) (waiver of Part 69 rules and Part 32 accounting rules, Part 36 separation rules, Part 43 reporting requirements, Part 64 cost allocation rules, Part 65 rate of return & rate base rules.	159 & Corres	5,665	BEA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.

6. Section 1.1106 is revised to read as follows:

§ 1.1106 Schedule of charges for applications and other filings in the cable television services.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. CARS Construction Permit	327	190	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
2. CARS Modification	327	190	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
3. CARS License Renewal	327	190	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.

Action	FCC Form No.	Fee amount	Payment type code	Address
4. CARS License Agreement	327	190	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
5. CARS Transfer of Control	327	190	TIC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
6. Special Temporary Authorization	159 & Corres	125	TGC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
7. Cable Special Relief	159 & Corres	960	TQC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
8. 76.12 Registration Statement	159 & Corres	45	TAC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
9. Aeronautical Frequency Usage Notification	159 & Corres	45	TAC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
10. Aeronautical Frequency Usage Waiver	159 & Corres	45	TAC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.
11. Pole Attachment Complaints Filing Fee	159 & Corres	150	TPC	Federal Communications Commission, Cable Services Bureau, P.O. Box 358205, Pittsburgh, PA 15251–5205.

7. Section 1.1107 is revised to read as follows:

§ 1.1107 Schedule of charges for applications and other filings in the international services.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. International Fixed Public Radio (Public & Control Stations):				
a. Initial Construction Permit (per station)	159 & 407	620	CSN	Federal Communications Commission, International Bureau, Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Assignment or Transfer (per application)	702 or 704	620	CSN	Federal Communications Commission, International Bureau, Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Renewal (per license)	405	450	CON	Federal Communications Commission, International Bureau, Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Modification (per station)	159 & 403	450	CON	Federal Communications Commission, International Bureau, Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Extension of Construction Authorization (per station).	701	225	CKN	Federal Communications Commission, International Bureau, Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Special Temporary Authority or Request for Waiver (per request).	159 & Corres	225	CKN	Federal Communications Commission, International Bureau, Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.
2. Section 214 Applications:				
a. Overseas Cable Construction	159 & Corres	11,090	BIT	Federal Communications Commission, International Bureau, Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
b. Cable Landing License:				
(1) Common Carrier	159 & Corres	1,250	CXT	Federal Communications Commission, International Bureau, Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
(2) Non-Common Carriers	159 & Corres	12,335	BJT	Federal Communications Commission, International Bureau, Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
c. All other International 214 Applications	159 & Corres	745	CUT	Federal Communications Commission, International Bureau, Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
d. Special Temporary Authority (all services).	159 & Corres	745	CUT	Federal Communications Commission, International Bureau, Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.

Action	FCC Form No.	Fee amount	Payment type code	Address
e. Assignments or Transfers (all services)	159 & Corres	745	CUT	Federal Communications Commission, International Bureau, Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.
3. Fixed Satellite Transmit/Receive Earth Stations:				
a. Initial Application (per station)	159 & 493	1,855	BAX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Modification of License (per station)	159 & 493	130	CGX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Assignment or Transfer:				
(1) First Station on Application	702 & 704	365	CNX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
(2) Each Additional Station	Same as 10c(i)	125	CFX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Developmental Station (per station)	159 & 493	1,215	CWX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Renewal of License (per station)	405	130	CGX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	159 & Corres	130	CGX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Amendment of Application (per station)	159 & Corres	130	CGX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
h. Extension of Construction Permit (per station).	701	130	CGX	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
4. Fixed Satellite Small Transmit/Receive Earth Stations (2 meters or less operating in the 4/6 GHz frequency band):				
a. Lead Application	159 & 493	4,110	BDS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Routine Application (per station)	159 & 493	45	CAS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Modification of License (per station)	159 & 493	130	CGS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Assignment or Transfer:				
(1) First Station on Application	702 or 704	365	CNS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
(2) Each additional station	702 or 705	45	CAS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Developmental Station (per station)	159 & 493	1,215	CWS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Renewal of License (per station)	405	130	CGS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	159 & Corres	130	CGS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
h. Amendment of Application (per station)	159 & Corres	130	CGS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
i. Extension of Construction Permit (per station).	701	130	CGS	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
5. Receive Only Earth Stations:				
a. Initial Application for Registration	159 & 493	280	CMO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.

Action	FCC Form No.	Fee amount	Payment type code	Address
b. Modification of License or Registration (per station).	159 & 493	130	CGO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Assignment or Transfer:				
(1) First Station on Application	702 & 704	365	CNO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
(2) Each Additional Station	Same as 12c(i)	125	CFO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Renewal of License (per station)	405	130	CGO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Amendment of Application	159 & Corres	130	CGO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Extension of Construction Permit (per station).	701	130	CGO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Waivers (per request)	159 & Corres	130	CGO	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
6. Fixed Satellite Very Small Aperture Terminal (VSAT) Systems:				
a. Initial Application (per system)	159 & 493	6,840	BGV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Modification of License (per system)	159 & 493	130	CGV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Assignment or Transfer of System	702 & 704	1,830	CZV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Development Station	159 & 493	1,215	CWV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Renewal of License (per system)	159 & 405	130	CGV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	159 & Corres	130	CGV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Amendment of Application (per system)	159 & Corres	130	CGV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
h. Extension of Construction Permit (per system).	159 & 701	130	CGV	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
7. Mobile Satellite Earth Stations:				
a. Initial Application of Blanket Authorization.	159 & 493	6,840	BGB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Initial Application for Individual Earth Station.	159 & 493	130	CYB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Modification of License (per system)	159 & 493	130	CGB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Assignment or Transfer (per system)	159 & 702 or 159 & 704.	1,830	CZB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Developmental Station	159 & 493	1,215	CWB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Renewal of License (per system)	159 & 405	130	CGB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	159 & Corres	130	CGB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.

Action	FCC Form No.	Fee amount	Payment type code	Address
h. Amendment of Application (per system)	159 & Corres	130	CGB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
i. Extension Construction Permit (per system).	159 & 701	130	CGB	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
8. Radio Determination Satellite Earth Stations:				
a. Initial Application of Blanket Authorization.	159 & 493	6,840	BGH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Initial Application for Individual Earth Station.	159 & 493	1,645	CYH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Modification of License (per system)	159 & 493	130	CGH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Assignments or Transfer (per system) ...	159 & 702 or 159 & 704.	1,830	CZH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Developmental Station	159 & 493	1,215	CWH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Renewal of License (per system)	159 & 405	130	CGH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	159 & Corres	130	CGH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
h. Amendment of Application (per system)	159 & Corres	130	CGH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
i. Extension of Construction Permit (per system).	159 & 701	130	CGH	Federal Communications Commission, International Bureau, Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
9. Space Stations (Geostationary):				
a. Application for Authority to Construct	159 & Corres	2,470	BBY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
b. Application for Authority to Launch & Operate:				
(1) Initial Application	159 & Corres	85,045	BNY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
(2) Replacement Satellite	159 & Corres	85,045	BNY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
c. Assignment or Transfer (per satellite)	159 & 702 or 159 & 704.	6,075	BFY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
d. Modification	159 & Corres	6,075	BFY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	159 & Corres	610	CRY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
f. Amendment of Application	159 & Corres	1,215	CWY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
g. Extension of Construction Permit/ Launch Authorization (per request).	159 & Corres	610	CRY	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
10. Space Stations (Low-Earth Orbit Satellite Systems):				
a. Application for Authority to Construct (per system of technically identical satellites).	159 & Corres	7,290	CZW	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
b. Application for Authority to Launch and Operate (per system of technically identical satellites).	159 & Corres	255,080	CLW	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
c. Assignment or Transfer (per request)	159 & 702 or 159 & 704.	7,290	CZW	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.

Action	FCC Form No.	Fee amount	Payment type code	Address
d. Modification (per request)	159 & Corres	18,220	CGW	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	159 & Corres	1,830	CXW	Federal Communications Commission, International Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
f. Amendment of Application (per request)	159 & Corres	3,645	CAW	Federal Communications Commission, International, Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
g. Extension of Construction Permit/ Launch Authorization (per request).	159 & Corres	1,830	CXW	Federal Communications Commission, International, Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
11. Direct Broadcast Satellites				
a. Authorization to Construct or Major Modification (per request).	159 & Corres	2,470	MTD	Federal Communications Commission, International, Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
b. Construction Permit and Launch Authority (per request).	159 & Corres	23,950	MXD	Federal Communications Commission, International, Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
c. License to Operate (per request)	159 & Corres	690	MPD	Federal Communications Commission, International, Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
d. Special Temporary Authorization (per request).	159 & Corres	125	MGD	Federal Communications Commission, International, Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
e. Hearing (New and major/minor change comparative construction permit hearings; comparative license renewal hearing) (per request).	159 & Corres	8,215	MWD	Federal Communications Commission, International, Bureau, Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.
12. International Broadcast Stations:				
a. New Station and Facilities Change Construction Permit (per application).	159 & 309	2,075	MSN	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
b. New License (per application)	159 & 310	470	MNN	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
c. License Renewal (per application)	159 & 311	120	MFN	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
d. License Assignment or Transfer of Control (per station license).	159 & 314 or 315 or 316.	75	MCN	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
e. Frequency Assignment and Coordination (per frequency hour).	159 & Corres	45	MAN	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
f. Special Temporary Authorization (per request).	159 & Corres	125	MGN	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
13. Permit to Deliver Program to Foreign Broadcast Stations (per application):				
a. Commercial Television Stations	159 & 308	70	MBT	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
b. Commercial AM or FM Radio Station	159 & 308	70	MBR	Federal Communications Commission, International, Bureau, Notifications, P.O. Box 358175, Pittsburgh, PA 15251–5175.
14. Recognized Private Operating Status (per application).	159 & Corres	745	CUG	Federal Communications Commission, International, Bureau, Telecommunicational, P.O. Box 358115, Pittsburgh, PA 15251–5115.

[FR Doc. 96–20596 Filed 8–8–96; 3:42 pm]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 544

[Docket No. 96–19; Notice 02]

RIN 2127–AF92

Insurer Reporting Requirements; List of Insurers Required to File Reports

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule updates the list in Appendices A, B, and C of Part 544 of passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences, pursuant to 49 U.S.C. Section 33112. Each insurer listed must file a report for the 1993 calendar year not later than October 25, 1996. Further, as long as an insurer remains listed, it must submit reports on each subsequent October 25.

DATES: The final rule on this subject is effective August 13, 1996.

Reporting Date: Insurers listed in the appendices are required to submit reports on their calendar year 1993 experience on or before October 25, 1996. Previously listed insurers whose names are removed by this notice need not submit reports for that year. Insurers newly listed in this final rule must submit their reports for calendar year 1993 on or before October 25, 1996. Under Part 544, as long as an insurer is listed, it must file reports each October 25. Thus, any insurer listed in the appendices as of the date of the most recent final rule must file a report on the following October 25, and on each succeeding October 25, absent a further amendment removing the insurer's name from the appendices.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Proctor's telephone number is (202) 366–1740. Her fax number is (202) 493–2739.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 49 U.S.C. 33112, Insurer reports and information, NHTSA requires certain passenger motor vehicle insurers to file an annual report with the agency. Each insurer's report includes information about thefts and recoveries of motor vehicles, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the actions taken by the insurer to reduce or deter theft. Under the agency's implementing regulation, 49 CFR Part 544, the following insurers are subject to the reporting requirements: (1) Those issuers of motor vehicle insurance policies whose total premiums account for 1 percent or more of the total premiums of motor vehicle insurance issued within the United States; (2) Those issuers of motor vehicle insurance policies whose premiums account for 10 percent or more of total premiums written within any one State; and (3) Rental and leasing companies with a fleet of 20 or more vehicles not covered by theft insurance policies issued by insurers of motor vehicles, other than any governmental entity.

Pursuant to its statutory exemption authority, the agency has exempted smaller passenger motor vehicle insurers from the reporting requirements.

A. Small Insurers of Passenger Motor Vehicles

Section 33112(f)(2) provides that NHTSA shall exempt small insurers of passenger motor vehicles if it finds that such exemptions will not significantly affect the validity or usefulness of the information in the reports, either nationally or on a State-by-State basis. The term ''small insurer'' is defined in Section 33112(f)(1)(A) and (B) as an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including pooling arrangements established under State law or regulation for the issuance of motor vehicle insurance, account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States. However, that section also stipulates that if an insurance company satisfies this definition of a ''small insurer,'' but accounts for 10 percent or more of the total premiums for all motor vehicle insurance issued in a particular State, the insurer must report about its operations in that State.

As provided in 49 CFR Part 544, NHTSA exercises its exemption authority by listing in Appendix A each insurer which must report because it had at least 1 percent of the motor vehicle insurance premiums nationally. Listing the insurers subject to reporting instead of each insurer exempted from reporting because it had less than 1 percent of the premiums nationally is administratively simpler since the former group is much smaller than the latter. In Appendix B, NHTSA lists those insurers that are required to report for particular states because each insurer had a 10 percent or greater market share of motor vehicle premiums in those States. In the establishing Part 544 (52 FR 59, January 2, 1987) final rule, the agency stated that Appendices A and B will be updated annually. It has been NHTSA's practice to update the appendices based on data voluntarily provided by insurance companies to A.M. Best and made available for the agency each spring. The agency uses the data to determine the insurers' market shares nationally and in each state.

B. Self-insured Rental and Leasing Companies

In addition, upon making certain determinations, NHTSA is authorized to grant exemptions to self-insurers, i.e., any person who has a fleet of 20 or more motor vehicles (other than any governmental entity) which are used primarily for rental or lease and which are not covered by theft insurance policies issued by insurers of passenger motor vehicles, 49 U.S.C. 33112(e)(1) and (2). NHTSA may exempt a self-insurer from reporting, if the agency determines:

(1) The cost of preparing and furnishing such reports is excessive in relation to the size of the business of the insurer; and

(2) The insurer's report will not significantly contribute to carrying out the purposes of Chapter 331.

Conversely, NHTSA may not exempt a self insurer solely based on meeting the definition of insurer as defined in Section 33112(b)(1).

In a final rule published June 22, 1990 (55 FR 25606), the agency granted a class exemption to all companies that rent or lease fewer than 50,000 vehicles because it believed that reports from only the largest companies would sufficiently represent the theft experience of rental and leasing companies. NHTSA concluded that reports by the many smaller rental and leasing companies do not significantly contribute to carrying out NHTSA's statutory obligations, and that exempting such companies will relieve an unnecessary burden on most companies that potentially must report. As a result of the June 1990 final rule, the agency added a new Appendix C, which consists of an annually updated list of the self-insurers that are subject to Part 544.

Following the same approach as in the case of Appendix A, NHTSA has included in Appendix C each of the relatively few self-insurers which are subject to reporting instead of the relatively numerous self-insurers which are exempted. NHTSA updates

Appendix C based primarily on information from the publications Automotive Fleet Magazine and Business Travel News.

Notice of Proposed Rulemaking

(1) Insurers of Passenger Motor Vehicles

On April 8, 1996, NHTSA published a notice of proposed rulemaking (NPRM) to update the list of insurers in Appendices A, B, and C required to file reports (61 FR 15443). Based on the 1993 calendar year market share data provided by A.M. Best, NHTSA proposed to amend the listing in Appendix A of insurers which must report because each had written at least one percent of the motor vehicle insurance premiums on a national basis. The list was last amended in a notice published on June 27, 1995 (See 60 FR 33145). One company, General ACC Group, included in the June 1995 listing, was proposed to be removed from Appendix A. Two companies, Allmerica Property and Casualty Companies and Metropolitan Group, that were not listed in Appendix A, were proposed to be added.

Each of the 19 insurers listed in Appendix A of this notice is required to file a report not later than October 25, 1996, setting forth the information required by Part 544 for each State in which it did business in the 1993 calendar year. As long as those 19 insurers remain listed, they are required to submit reports on each subsequent October 25 for the calendar year ending slightly less than 3 years before.

Appendix B lists those insurers that are required to report for particular States for the calendar year 1993 because each insurer had a 10 percent or greater market share of motor vehicle premiums in those States. Based on the 1993 calendar year A.M. Best data for market shares, it was proposed that one company, Nodak Mutual Insurance Company, reporting on its activities in the State of North Dakota, be added to Appendix B.

The 12 insurers listed in Appendix B of this notice would be required to report on their activities in every State in which they had a 10 percent or greater market share. These reports must be filed no later than October 25, 1996, and set forth the information required by Part 544. As long as those 12 insurers remain listed, they would be required to submit reports on each subsequent October 25 for the calendar year ending slightly less than 3 years before.

(2) Rental and Leasing Companies

Based on information in Automotive Fleet Magazine and Business Travel News for 1993, the most recent year that data are available, NHTSA proposed several changes in Appendix C. Based on the data reported in the above mentioned publications, NHTSA proposed that the American International Rent-A-Car Corp./ANSA be removed from Appendix C. The agency also proposed that four additional rental and leasing companies, Citicorp Bankers Leasing Corporation, Donlen Corporation, Lease Plan International, and USL Capital Fleet Services, be included in Appendix C. Accordingly, each of the 13 companies (including franchisees and licensees) listed in this notice in Appendix C would be required to file reports for the calendar year 1993 no later than October 25, 1996, and set forth the information required by Part 544. As long as those 13 companies remain listed, they would be required to submit reports on each subsequent October 25 for the calendar year ending slightly less than 3 years before.

NHTSA notes that on July 5, 1994, the Cost Savings Act, (including Title VI—Theft Prevention) was revised and codified ''without substantive change.'' The passenger motor vehicle theft insurers' reporting provisions formerly at 15 U.S.C. 2032 are now at 49 U.S.C. 33112. This final rule amends part 544 to reflect the changed statutory authority.

Public Comments and Final Determination

In response to the NPRM, the agency received no comments. Accordingly, this final rule adopts the proposed changes to Appendices A, B, and C.

Regulatory Impacts

(1) Costs and Other Impacts

This notice has not been reviewed under Executive Order 12866. NHTSA has considered the impact of this final rule and has determined the action not to be ''significant'' within the meaning of the Department of Transportation's regulatory policy and procedures. This rule implements the agency's policy of ensuring that all insurance companies that are statutorily eligible for exemption from the insurer reporting requirements are in fact exempted from those requirements. Only those companies that are not statutorily eligible for an exemption are expressly required to file reports.

NHTSA does not believe that this rule, reflecting more current data, affects the impacts described in the final regulatory evaluation prepared for the final rule establishing Part 544. (52 FR 59, January 2, 1987). Accordingly, a separate regulatory evaluation has not been prepared for this rulemaking action. Using the cost estimates in the 1987 final regulatory evaluation, the agency estimates that the cost of compliance will be about $50,000 for any insurer that is added to Appendix A, about $20,000 for any insurer added to Appendix B, and about $5,770 for any insurer added to Appendix C. In this final rule, for Appendix A, the agency removed one insurer and added two insurers; for Appendix B, the agency added one insurer; and for Appendix C, the agency removed one company and included four additional companies. The agency therefore estimates that the net effect of this final rule will be a cost increase to insurers, as a group, of less than $100,000.

Interested persons may wish to examine the 1987 final regulatory evaluation. Copies of that evaluation have been placed in Docket No. T86–01; Notice 2. Any interested person may obtain a copy of this evaluation by writing to NHTSA, Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590, or by calling (202) 366–4949.

(2) Paperwork Reduction Act

The information collection requirements in this final rule have been submitted to and approved by the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) This collection of information has been assigned OMB Control Number 2127–0547 (''Insurer Reporting Requirements'') and has been approved for use through October 31, 1996.

(3) Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) I certify that this final rule would not have a significant economic impact on a substantial number of small entities. The rationale for the certification is that none of the companies proposed to be included on appendices A, B, or C would be construed to be a small entity within the definition of the RFA. ''Small insurer'' is defined in part under 49 U.S.C. 33112 as any insurer whose premiums for all forms of motor vehicle insurance account for less than one percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States, or any insurer whose premiums within any State,

account for less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the State. This notice would exempt all insurers meeting those criteria. Any insurers meeting those criteria is not a small entity. In addition, in this rulemaking, the agency proposes to exempt all ''self insured rental and leasing companies'' that have fleets of fewer than 50,000 vehicles. Any self insured rental and leasing company too large to meet that criterion is not a small entity.

(4) Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

(5) Environmental Impacts

In accordance with the National Environmental Policy Act, NHTSA has considered the environmental impacts of this final rule and determined that it would not have a significant impact on the quality of the human environment.

(6) Civil Justice Reform

This final rule does not have any retroactive effect, and it does not preempt any State law, 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909, Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 544

Crime, Insurance companies, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 544 is amended as follows:

PART 544—[AMENDED]

1. The authority citation for part 544 is revised to read as follows:

Authority: 49 U.S.C. 33112; delegation of authority at 49 CFR 1.50.

2. Section 544.2 Purpose is revised to read as follows:

§ 544.2 Purpose.

The purpose of these reporting requirements is to aid in implementing and evaluating the provisions of 49 U.S.C. chapter 331 Theft Prevention to prevent or discourage the theft of motor vehicles, to prevent or discourage the sale or distribution in interstate commerce of used parts removed from stolen motor vehicles, and to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles.

3. Paragraph (a) of § 544.4 Definitions is revised to read as follows:

§ 544.4 Definitions.

(a) *Statutory terms.* All terms defined in 49 U.S.C. 33101 and 33112 are used in accordance with their statutory meanings unless otherwise defined in paragraph (b) of this section.

* * * * *

4. Paragraph (a) of § 544.5 is revised to read as follows:

§ 544.5 General requirements for reports.

(a) Each insurer to which this part applies shall submit a report annually not later than October 25, beginning on October 25, 1986. This report shall contain the information required by § 544.6 of this part for the calendar year three years previous to the year in which the report is filed (e.g., the report due by October 25, 1996 shall contain the required information for the 1993 calendar year).

* * * * *

5. Appendix A to Part 544 is revised to read as follows:

Appendix A—Insurers of Motor Vehicle Insurance Policies Subject to the Reporting Requirements in Each State in Which They Do Business

Aetna Life & Casualty Group
Allmerica Property & Casualty Companies [1]
Allstate Insurance Group
American Family Group
American International Group
California State Auto Association
CNA Insurance Companies
Farmers Insurance Group
Geico Corporation Group
ITT Hartford Insurance Group
Liberty Mutual Group
Metropolitan Group [1]
Nationwide Group
Safeco Insurance Companies
Progressive Group
Prudential of America Group State Farm Group
Travelers Insurance Group
USAA Group

6. Appendix B to Part 544 is revised to read as follows:

Appendix B—Issuers of Motor Vehicle Insurance Policies Subject to the Reporting Requirements Only in Designated States

Alfa Insurance Group (Alabama)
Amica Mutual Insurance Company (Rhode Island)
Arbella Mutual Insurance (Massachusetts)
Auto Club of Michigan (Michigan)
Commerce Group, Inc. (Massachusetts)
Commercial Union Insurance Companies (Maine)
Concord Group Insurance Companies (Vermont)
Erie Insurance Group (Pennsylvania)
Kentucky Farm Bureau Group (Kentucky)
Nodak Mutual Insurance Company (North Dakota) [1]
Southern Farm Bureau Casualty Group (Arkansas, Mississippi)
Tennessee Farmers Companies (Tennessee)

7. Appendix C to Part 544 is revised to read as follows:

Appendix C—Motor Vehicle Rental and Leasing Companies (Including Licensees and Franchisees) Subject to the Reporting Requirements of Part 544

Alamo Rent-A-Car, Inc.
Avis, Inc.
Budget Rent-A-Car Corporation
Citicorp Bankers Leasing Corporation [1]
Dollar Rent-A-Car Systems, Inc.
Donlen Corporation [1]
Hertz Rent-A-Car Division (subsidiary of Hertz Corporation)
Lease Plan International [1]
National Car Rental System, Inc.
Penske Truck Leasing Company
Ryder System, Inc. (Both rental and leasing operations)
U-Haul International, Inc. (Subsidiary of AMERCO)
USL Capital Fleet Services [1]

Issued on: August 7, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–20569 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–59–P

[1] Indicates a newly listed company which must file a report beginning with the report due October 25, 1996

[1] Indicates a newly listed company which must file a report beginning with the report due October 25, 1996.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 960111003–6068–03; I.D. 080796A]

International Fisheries Regulations; 1996 Halibut Report No. 6

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason action.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. NMFS announces that the Area 2A (off Washington, Oregon, and California) commercial halibut fishery quota has been reached and both the directed commercial fishery and the incidental halibut catch fishery during salmon trolling in Area 2A are closed for the remainder of 1996. This action is intended to enhance the conservation of the Pacific halibut stock.

EFFECTIVE DATE: 1800 hrs, Pacific Daylight time, August 1, 1996, until 2400 hrs, Pacific local time, December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206–526–6140.

SUPPLEMENTARY INFORMATION: In the final regulations implementing the Catch Sharing Plan (Plan) for Area 2A (61 FR 11337, March 20, 1996), the commercial fishery for Pacific halibut in Area 2A was divided between a directed halibut fishery with a quota of 91,052 lb (41.3 metric tons (mt) and an incidental halibut catch fishery during the salmon troll fishery with a quota of 16,068 lb (7.3 mt). The Plan stipulates that if the quota for the incidental catch fishery is not harvested during the May and June salmon troll fishery, the remaining quota will be made available to the directed halibut fishery on July 1. Further, the Plan stipulates that if the quota for the directed halibut fishery is not harvested by July 31 and the halibut quota for the salmon troll fishery was not harvested during the May/June fishery, then the landings of halibut caught incidentally during salmon troll fisheries will be allowed effective August 1. The salmon troll fishery closed June 30, 1996, and the remaining incidental Pacific halibut catch of 8,066 lb (3.65 mt) was added to the directed commercial catch limit (61 FR 39362, July 29, 1996).

Inseason Action

1996 Halibut Report No. 6

In accordance with the annual management measures for ocean salmon fisheries (61 FR 20175, May 6, 1996), which stipulate the halibut retention measures in the salmon troll fishery, NMFS is taking inseason action to close the incidental halibut fishery because the Area 2A commercial halibut quota has been reached. NMFS is also providing notification of the closure of the directed halibut fishery by the IPHC.

Dated: August 7, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–20618 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 660

[Docket No. 960126016–6121–04; I.D. 080596D]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from the U.S.-Canadian Border to Leadbetter Point, WA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustments.

SUMMARY: NMFS announces that the possession and landing limit in the commercial salmon fishery in the area from the U.S.-Canadian border to Leadbetter Point, WA, was increased to 200 coho salmon per opening beginning August 2, 1996. This adjustment is intended to increase economic efficiency in the fishery. NMFS also announces that the bag limit in the recreational salmon fishery in the area from the U.S.-Canadian border to Cape Alava, WA, was decreased to one fish per day at the opening of the season on August 5, 1996. This adjustment is intended to prolong the season and provide fishing opportunity to a larger number of recreational fishermen.

DATES: Modification of the commercial possession and landing limit is effective 0001 hours local time, August 2, 1996, through 2400 hours local time, September 30, 1996. Modification of the recreational bag limit is effective 0001 hours local time, August 5, 1996, through 2400 hours local time, September 26, 1996. Comments will be accepted through August 27, 1996.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, NMFS (Regional Director), NOAA, 7600 Sand Point Way NE., Seattle, WA 98115–0070. Information relevant to this action has been compiled in aggregate form and is available for public review during business hours at the office of the Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206–526–6140.

SUPPLEMENTARY INFORMATION: In the annual management measures for ocean salmon fisheries (61 FR 20175, May 6, 1996), NMFS announced that the 1996 commercial fishery for all salmon except chinook salmon in the area between the U.S.-Canadian border and Leadbetter Point, WA, would open July 26, and fishing would follow a cycle of 3 days open and 4 days closed. The fishery would close the earlier of September 30 or attainment of the 18,800 coho salmon quota. Each vessel would be able to possess, land and deliver no more than 75 coho salmon per open period.

The best available information on July 31 indicated that commercial catches for the first open period totaled 3,100 coho salmon. The preseason objective for the possession and landing limit was as a catch-dampening measure to prevent exceeding the quota during the first open period. Increasing the possession and landing limit to 200 coho salmon per opening would increase economic efficiency and provide additional harvest opportunity to commercial fishermen. This adjustment would be effective starting with the second open period on August 2–4.

In the annual management measures, NMFS announced that the 1996 recreational fishery for all salmon except chinook salmon in the area between the U.S.-Canadian border and Cape Alava, WA, would open August 5 and continue through the earlier of September 26 or attainment of the 5,800 coho salmon subarea quota. The bag limit would be two fish per day.

Based on historical catch and effort levels available on July 31, it is expected that the quota would be reached and the fishery would be closed within 2 days of the season opening. Opening the season with an adjusted bag limit of one fish per day will provide a longer season and additional fishing opportunity to more recreational fishermen.

Modifications of limited retention regulations and recreational bag limits are authorized by regulations at 50 CFR 660.409(b)(1)(ii) and (iii). All other restrictions that apply to these fisheries remain in effect as announced in the annual management measures.

The Regional Director consulted with representatives of the Washington Department of Fish and Wildlife, Oregon Department of Fish and Game, and Pacific Fishery Management Council regarding this action. The State of Washington will manage the commercial and recreational fisheries in State waters adjacent to these areas of the exclusive economic zone consistent with this Federal action. As provided by the inseason action procedures of 50

CFR 660.411, actual notice to fishermen of this action was given prior to August 2, 1996 (reopening date of the commercial fishery between the U.S.-Canadian border and Leadbetter Point, WA), and August 5, 1996 (opening date of the recreational fishery between the U.S.-Canadian border and Cape Alava, WA), by telephone hotline number 206–526–6667 or 800–662–9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to adjust these fisheries in a timely manner, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 7, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–20617 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 157
Tuesday, August 13, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket 96–016–12]

Karnal Bunt; Public Forum

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public forum.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is hosting an additional public forum on the Agency's program to control and eradicate Karnal bunt. Four other forums have been held or announced. The fifth forum will provide an additional opportunity for the public to comment on the regulations established and amended by a series of interim rules published in the Federal Register since March, 1996, and to comment on proposed changes to the regulations contained in a proposed rule published in the Federal Register on August 2, 1996. The regulations quarantine portions of Arizona, California, New Mexico, and Texas because of infestations of Karnal bunt, restrict the movement of regulated articles from the quarantined areas, and provide compensation for certain individuals in order to mitigate losses and expenses incurred because of Karnal bunt. Comments will also be accepted addressing any aspect of the Karnal bunt program not included in the regulations, including control and survey activities conducted in the quarantined areas, the national Karnal bunt survey program, and the certification of wheat for export. Information gathered at the public forum will be considered by the Department in developing guidelines and procedures for conducting the Karnal bunt program for the 1996–97 wheat growing season.

DATES: The public forum will be held in Las Cruces, NM, on Tuesday, August 20, 1996, from 9 a.m. until 5 p.m.

ADDRESSES: The public forum will be held at the Best Western-Mesilla Valley Inn, Aspen West Room, 901 Avenida de Mesilla, Las Cruces, New Mexico, (505) 524–8603.

Any persons who are unable to attend the forum, but who wish to comment on any aspect of the Karnal bunt program, may send written comments. Please send an original and three copies of written comments to Docket No. 96–016–12, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–016–12. Comments received, including transcripts from the public forum, may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247.

SUPPLEMENTARY INFORMATION: The public forum is being held concerning the Animal and Plant Health Inspection Service's (APHIS) program to control and eradicate Karnal bunt. Comments will be accepted on the regulations established and amended by a series of interim rules published by APHIS in the Federal Register since March, 1996, and on a proposed rule published in the Federal Register on August 2, 1996 (61 FR 40354–40361, Docket No. 96–016–10).

The interim rules were published on March 28, 1996 (61 FR 13649–13655, Docket No. 96–016–3), April 25, 1996 (61 FR 18233–18235, Docket No. 96–016–5), and July 5, 1996 (61 FR 35107–35109, Docket No. 96–016–6 and 61 FR 35102–35107, Docket No. 96–016–7). A public forum was held in Washington, DC, on July 17, 1996, and a notice of public forums scheduled for Kansas City, MO, Phoenix, AZ, and Imperial, CA, was published in the Federal Register on August 2, 1996 (61 FR 40361–40362, Docket No. 96–016–11). Written comments on the interim rules and the proposed rule are required to be received by September 3, 1996.

A representative of the United States Department of Agriculture (USDA) will preside at the public forum. Any interested person may appear and be heard in person, or through an attorney or other representative. Persons who wish to speak at the public forum will be asked to provide their names and affiliations. Parties wishing to make oral presentations may register in advance by calling the Legislative and Public Affairs staff of APHIS, USDA, at (202) 720–2511 before 5 p.m. e.d.s.t. on August 16, 1996. Registration will also be held at the forum site from 8 a.m. until 8:45 a.m. on the day of the forum. Speakers will be scheduled in the order their registration is received.

The public forum will begin at 9 a.m. and is scheduled to end at 5 p.m. local time. However, the forum may be terminated at any time after it begins if all persons desiring to speak have been heard. The presiding officer may limit the time for each presentation so that all interested persons have an opportunity to participate. Attendees who wish to speak but who did not register will be provided time to speak only after all registered speakers have been heard.

The purpose of the forum is to give interested persons an opportunity for oral presentation of data, views, and information to the Department concerning APHIS' program to control and eradicate Karnal bunt. Questions about the content of the interim rules and the proposed rule concerning Karnal bunt may be part of the commenters' oral presentations. However, neither the presiding officer nor any other representative of the Department will respond to the comments on the interim rules or proposed rule at the forum, except to clarify or explain provisions of the interim rules and the proposed rule.

We ask that anyone who reads a statement provide two copies to the presiding officer at the forum. A transcript will be made of the public forum and the transcript will be placed in the rulemaking record and will be available for public inspection.

Done in Washington, DC, this 8th day of August 1966.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–20675 Filed 8–9–96; 9:21 am]

BILLING CODE 3410–34–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 64, 70 and 71

[FRL–5552–9]

Compliance Assurance Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting; notice of document availability.

SUMMARY: The EPA is planning to promulgate regulations concerning enhanced monitoring and compliance certification provisions under section 114(a)(3) and Title V of the Clean Air Act by July 1997. EPA originally proposed an enhanced monitoring rule on October 22, 1993 (58 FR 54648). In response to comments on that proposal, EPA is considering adopting a revised approach—known as Compliance Assurance Monitoring (CAM)—to the enhanced monitoring and compliance certification requirements. EPA sought comment on the CAM approach in September 1995. In response to comment on the CAM approach, EPA is now making available a revised version of the CAM approach for comment. Notice is hereby given that the EPA will hold a public meeting on September 10, 1996 to provide the persons potentially affected by these regulations with an opportunity to present their views regarding the issues raised by the regulations. This notice also announces the public availability of a draft regulatory package for review in advance of the public meeting. In addition, the Agency will accept written comments on the draft package provided that comments are received by October 15, 1996.

DATES: *Meeting:* The public meeting will be held September 10, 1996 from 8:30 a.m. to 4:30 p.m. at the address provided below.

Comments: Written comments may be submitted to the docket at the address provided below until October 15, 1996.

Document Availability: The draft regulations and accompanying summary and discussion document will be available on or before August 2, 1996 at the addresses provided below. Draft documents concerning required impact analyses will also be available at the same locations no later than August 30, 1996.

ADDRESSES: *Meeting:* The public meeting will be held at the Sheraton Imperial Hotel and Convention Center, Research Triangle Park, NC, 27709 (919) 941–5050. Participants wishing to arrange for overnight accommodations should advise the hotel that they are attending the EPA meeting. To assist EPA in planning the public meeting, persons interested in attending should contact: Public Meeting Coordinator, at (804) 979–3700, telefax (804) 296–2860, Perrin Quarles Associates, Inc., 501 Faulconer Drive, Suite 2–D, Charlottesville, Virginia 22903, to give their name and affiliation. Please register by September 6, 1996.

Docket: Supporting information related to this rulemaking, including the draft rule, and the summary and discussion document, is contained in Docket No. A–91–52 (the draft rule and accompanying summary and discussion document are included as Item VI–C–13). This docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m. Monday through Friday, excluding government holidays, and is located at: EPA Air Docket (LE–131), Room M–1500, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying. Pursuant to section 307(d)(1)(V) of the Clean Air Act, this rulemaking is subject to the docketing and other procedural provisions of section 307(d) of the Act.

Comments: Comments must be mailed (in duplicate) to the docket at the address provided above. All comments should be marked to the attention of Docket No. A–91–52.

Document Availability: By the dates noted above, a copy of the draft regulations, the accompanying summary and discussion document, and the draft impact analysis materials will be located in the docket at the address provided above, and the draft regulations and summary and discussion document will also be available via the Emission Measurement Technical Information Center Computer Bulletin Board of the EPA's Technology Transfer Network at (919) 541–5742, 24 hours a day, 7 days a week (except Monday, 8–12 a.m. EST). Contact the system operator at (919) 541–5384 if you have any questions concerning access to the Technology Transfer Network.

FOR FURTHER INFORMATION CONTACT: Peter Westlin, Office of Air Quality Planning and Standards, (919) 541–1058.

SUPPLEMENTARY INFORMATION:

I. Procedural Background

Section 114(a)(3) of the Clean Air Act mandates that EPA require, by regulation, that enhanced monitoring be conducted and compliance certification be made for major sources. EPA first proposed an enhanced monitoring rule on October 22, 1993. (See 58 FR 54648). EPA sought additional comment on this proposal on December 24, 1994 (59 FR 66844). Following review of comments, EPA decided to consider alternative approaches to the enhanced monitoring requirements.

In September, 1995, EPA made available for comment a revised approach to enhanced monitoring and compliance certification. This revised approach was called Compliance Assurance Monitoring (CAM). EPA published a Federal Register notice (60 FR 48679) announcing the availability of the draft regulatory package (preamble and rule text) and solicited public comment. Additionally, on September 13, 1995, the EPA posted a copy of the draft CAM rule for public comment on the Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network electronic bulletin board system. The release of this document was followed by a national meeting held on September 22, 1995 in Durham, North Carolina. Written comments were submitted to OAQPS by industrial, environmental, and regulatory parties. All comments received have been filed in the docket (A–91–52) and are available for additional review by calling the docket office at (202–260–7548).

II. Request For Comment

EPA has now modified the proposed CAM approach in response to the comments received on the September 1995 regulatory package. The Agency has prepared a regulatory package for CAM and will make it available to the public on or before August 2, 1996, (see ''Document Availability'' above). Following release of this draft, the Agency will hold a public meeting, as described above, to review the major elements of the draft regulatory package and to solicit opinions and suggestions on the draft document. The meeting will include a number of representative parties that will sit at the main meeting table by invitation; they will include industry, State and local agencies, and environmental organizations. Additional seating is available by contacting the Public Meeting Coordinator listed in the **ADDRESSES** section above. It is important to note that the Agency will be seeking the

opinions of the individuals/organizations present and will not be seeking consensus.

The September 1995, Federal Register notice indicated that EPA intended to seek comment on the CAM approach through a formal proposal; however, EPA believes that notice and opportunity for comment it has provided through the September 1995 notice and the current notice fulfill EPA's procedural obligations under the Clean Air Act. Therefore, EPA intends to issue a final rule addressing the enhanced monitoring and compliance certification requirements of the Clean Air Act by July 1997 without seeking any additional comment beyond that solicited by this notice.

III. The CAM Approach

The CAM approach would impose monitoring and compliance certification requirements on sources subject to the Title V operating permits program. The CAM approach has been developed in consideration of the President's regulatory reform efforts to design performance-based environmental programs that provide industry with the flexibility to comply in cost-effective ways, while requiring accountability for achieving results. It focuses on enhancing and supplementing current operation and maintenance (O&M) monitoring requirements. The compliance assurance monitoring approach would require that a source owner document operation and maintenance of a control device or process operation in accordance with established, reliable operating and maintenance practices and implement any necessary corrective action to ensure that emissions have been reduced. The Agency has combined the enhanced and periodic monitoring requirements of Titles V and VII of the Clean Air Act Amendments of 1990 in the draft CAM approach so that all compliance-related monitoring requirements would be integrated in one set of requirements.

The CAM approach also addresses the requirements for compliance certifications under Titles V and VII of the Clean Air Act Amendments of 1990. As such, the CAM approach, which EPA first gave notice of in September 1995, would amend the current compliance certification provisions in Part 70. To make the Part 71 consistent with the CAM approach, the CAM approach also would amend Part 71. Under the draft CAM proposal, the owner or operator would certify compliance with (1) The emission limitation or standard based on the results of CAM monitoring; and (2) the associated monitoring, reporting, and record keeping requirements in the permit that provide an assurance of ongoing compliance with the emission limitation or standard.

IV. Rulemaking on the Credible Evidence Provisions

The October 22, 1993 original proposed enhanced monitoring rule included revisions to 40 CFR parts 51, 52, 60 and 61. The Agency received full comment on those provisions during the initial and reopened public comment period on that proposal. The Agency received additional comment on those proposed revisions during and after a public meeting held on April 2, 1996. The Agency is considering the promulgation of revisions similar to those originally proposed, with minor changes.

The provisions that were proposed in 1993 would have amended 40 CFR parts 51, 52, 60, and 61 to allow data gathered using enhanced monitoring to be used as ''presumptively credible evidence'' in enforcement actions. The rule also would have modified parts 51, 52, 60 and 61, to specifically provide for the use of ''credible evidence'' (CE) other than compliance test method data to prove noncompliance in an enforcement action, and would have had the effect of eliminating any potential ambiguity regarding the use of data other than compliance or reference test method data as a basis for Title V compliance certifications. EPA is considering eliminating the ''presumptively credible evidence'' categories, but promulgating the remaining portions of the original October 22, 1993 revisions separately from CAM.

EPA expects to issue a final rule on the proposed changes to 40 CFR parts 51, 52, 60, and 61 in December 1996, prior to completion of the CAM rulemaking. For the purposes of commenting on the CAM approach, interested parties should keep in mind that proposed changes to 40 CFR parts 51, 52, 60 and 61 may be promulgated (and that EPA may do so with the change regarding ''presumptively credible evidence'' noted above) prior to final action on the CAM approach (i.e. enhanced monitoring and compliance certification).

V. Impact on Small Entities

In the October 22, 1993, original enhanced monitoring proposal, EPA determined that approach to enhanced monitoring would not have a significant impact on a substantial number of small entities. EPA has reexamined that issue taking into account the CAM approach to the enhanced monitoring and compliance certification requirements and reached a similar conclusion. As noted above, EPA will make its analysis on this issue available for public comment shortly.

VI. Deadline Litigation

EPA is currently under a court-ordered deadline to issue a final rule regarding enhanced monitoring and compliance certification by July 31, 1996. On July 31, 1996, EPA filed an unopposed motion for extension of that deadline until December 13, 1996 regarding credible evidence provisions, and until July 7, 1997 with respect to the remaining obligations under section 114(a)(3). EPA expects that these deadlines will be adopted by the court.

Dated: August 6, 1996.

John S. Seitz,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 96–20699 Filed 8–9–96; 12:50 pm]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 61, No. 157
Tuesday, August 13, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Telephone Bank

Sunshine Act Meeting

ACTION: Staff Briefing for the Board of Directors.

TIME AND DATE: 2 p.m., Wednesday, August 21, 1996.

PLACE: Room 5066, South Building, Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED: General discussion involving privatization planning; update on legislative issues affecting the Bank and RUS telecommunications loan programs; class C stock dividend rate for FY 1996; director liability presentation; status of State Telecommunications Modernization Plans; and update on board of directors' election activities.

ACTION: Regular Meeting of the Board of Directors.

TIME AND DATE: 9 a.m., Thursday, August 22, 1996.

PLACE: Williamsburg Room, Jamie L. Whitten Building, Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the Board of Directors meeting:

1. Call to Order.
2. Action on Minutes of May 9, 1996, Board meeting.
3. Report on loans approved third quarter FY 1996.
4. Summary of financial activity for third quarter FY 1996.
5. Report of ad hoc committee on privatization of the Bank.
6. Consideration of resolution to retire class A stock in FY 1996.
7. Consideration of resolution to set annual class C stock dividend rate.
8. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Barbara L. Eddy, Deputy Assistant Governor, Rural Telephone Bank, (202) 720–9554.

Dated: August 8, 1996.

Blaine D. Stockton, Jr.,

Acting Governor, Rural Telephone Bank.

[FR Doc. 96–20729 Filed 8–9–96; 2:20 pm]

BILLING CODE 3410–15–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted the following collection requirement to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13.

Agency: National Institute of Standards and Technology.

Title: National Institute of Standards and Technology Manufacturing Extension Partnership (MEP) Program Evaluation Survey.

Agency Number: None.

OMB Number: 0607–0016 currently approved for Census.

Burden: 1410 hours.

Number of Respondents: 8,460.

Avg Hours Per Response: 10 minutes.

Needs and Uses: This is a new submission by the U.S. Department of Commerce's National Institute of Standards and Technology (NIST). Previously, the information collection was approved under a submission by the U.S. Department of Commerce's Census Bureau. This collection activity is being conducted in partnership with the Census Bureau.

The Manufacturing Extension Partnership (MEP) is a growing nationwide system of services and support for smaller manufacturers giving them unprecedented access to new technologies, resources, and expertise. Sponsored by NIST, the MEP is comprised of a network of locally based Manufacturing Extension Centers.

Obtaining specific information from clients about the impact of MEP services is essential for NIST MEP officials to evaluate program strengths and weaknesses and plan improvements in program effectiveness and efficiency. This information is not available from existing programs or other sources.

Affected Public: Business or other for-profit.

Frequency: Once Per Respondent.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Virginia Huth, (202) 395–6929.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC's Acting Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW., Washington DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Virginia Huth, OMB Desk Officer, Room 10236, New Executive Office Building, Washington, DC 20503.

Dated: August 7, 1996.

Linda Engelmeier,

Acting Department Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–20629 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–13–P

Submission For OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Annual Survey of State & Local Government Finance.

Form Number(s): F–5, 5a, 11, 12, 13, 21, 22, 25, 28, 29, 32, 42.

Agency Approval Number: 0607–0585.

Type of Request: Revision of a currently approved collection.

Burden: 22,798 hours.

Number of Respondents: 7,459.

Avg Hours Per Response: 3.1 hours.

Needs and Uses: This annual survey provides state government finance data and estimates of local government revenue, expenditure, debt and assets by type of local government, nationally and within state areas. The data are used to calculate the gross domestic product (GDP), to monitor the government sector of the economy, and to formulate, develop, and review public policy.

Included within this review request are the Forms F–5, and F–5a from the Annual Survey of State Tax Collections. This survey was approved separately in the past under the OMB number 0067–0046. We are combining these two collections because the tax portion of the data will no longer be released separately. Although the data will be collected in the same manner by the Forms F–5 and F–5a, the data collected will be included as part of the annual survey releases. Canvass methodology consists of a questionnaire mailout/mail–back. Responses will be screened manually, then entered on a microcomputer. Other methods used to collect data and maximize response include central data collection, solicitation of printed reports in lieu of a completed questionnaire, and use of the Census Bureau's Federal Single Audit Clearinghouse.

Affected Public: State, local or tribal government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Jerry Coffey, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Acting DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jerry Coffey, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: August 6, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–20529 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–07–F

Submission For OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1997 Economic Census Covering Professional, Scientific, and Technical Services; Management, Support, Waste Management, and Remediation Services; Educational Services; Health and Social Assistance; Arts, Entertainment, and Recreation; and Other Services, except Public Administration Sectors.

Form Number(s): SV–7201 thru SV–8999 (46 forms).

Agency Approval Number: None.

Type of Request: New collection.

Burden: 900,349 hours.

Number of Respondents: 1,443,072.

Avg Hours Per Response: 37 and one half minutes.

Needs and Uses: The economic census is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. Further, the census provides sampling frames and benchmarks for current surveys of business which track short–term economic trends, serve as economic indicators, and contribute critical source data for current estimates of the gross domestic product. The economic census will produce basic statistics by kind of business for number of establishments, receipts/revenue, payroll, and employment. It also will yield a variety of subject statistics, including sources of receipts or revenue, receipts by class of customer, and other industry–specific measures, such as exported services or personnel by occupation. Basic statistics will be summarized for the United States, states, and metropolitan areas; for counties and places having 2,500 inhabitants or more; and for ZIP code areas. Tabulations of subject statistics also will present data for the United States and, in some cases, for states. The sectors of the economy covered under this request represent more than 2 million establishments classified in the North American Industry Classification System (NAICS). Data will be collected through a complete mail canvass supplemented by data from Federal administrative records. Other sectors of the economy included in the economic census will be covered through other clearance requests.

The notice published on February 29, 1996 announcing our intention to include these sectors in the economic census included a sector titled ''Professional, Management, and Support Services.'' The industries included in this sector are now classified into two separate sectors titled ''Professional, Scientific, and Technical Services'' and ''Management, Support, Waste Management, and Remediation Services.'' The new ''Management, Support, Waste Management, and Remediation Services'' sector includes two additional industries––Waste Management and Remediation Services––which were not covered in the sectors listed in the notice mentioned above, due to changes in the NAICS system.

Affected Public: Individuals or households; Business or other for–profit institutions; Not–for–profit institutions; State, local or tribal government.

Frequency: One–time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 USC, Sections 131 & 224.

OMB Desk Officer: Jerry Coffey, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Acting DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jerry Coffey, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: August 6, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–20530 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–07–F

International Trade Administration

[A–570–822]

Certain Helical Spring Lock Washers From The People's Republic of China; Final Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of the antidumping duty administrative review.

SUMMARY: On August 16, 1995, the Department of Commerce (the Department) published in the Federal Register the preliminary results of the administrative review of the antidumping duty order on certain helical spring lock washers (HSLWs) from the People's Republic of China (PRC) (60 FR 42519). This review covers shipments of this merchandise to the United States during the period October 15, 1993, through September 30, 1994. We gave interested parties an opportunity to comment on our

preliminary results. Based upon our analysis of the comments received we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: August 13, 1996.

FOR FURTHER INFORMATION CONTACT: Donald Little or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–4733.

Background

The Department published in the Federal Register the antidumping duty order on HSLWs from the PRC on October 19, 1993 (58 FR 53914). On October 7, 1994, the Department published in the Federal Register (59 FR 51166) a notice of opportunity to request administrative review of the antidumping duty order on HSLWs from the PRC covering the period October 15, 1993, through September 30, 1994.

In accordance with 19 CFR 353.22(a) (1994), the respondent, Zhejiang Wanxin Group Co. (ZWG), also known as Hangzhou Spring Washer Plant, requested that we conduct an administrative review. We published a notice of initiation of this antidumping duty administrative review on November 14, 1994 (59 FR 56459).

On August 16, 1995, the Department published in the Federal Register the preliminary results of this review of the antidumping duty order on HSLWs from the PRC (60 FR 42519). We held a hearing on October 3, 1995. The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of Review

The products covered by this review are HSLWs of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non heat-treated, plated or non-plated, with ends that are off-line. HSLWs are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper.

HSLWs subject to this review are currently classifiable under subheading 7318.21.0030 of the Harmonized Tariff Schedule of the United States (HTS). Although the HTS subheading is provided for convenience and Customs purposes, the written description of the scope of this proceeding is dispositive.

This review covers one exporter of HSLWs from the PRC, ZWG, and the period October 15, 1993, through September 30, 1994.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received case briefs and rebuttals from Shakeproof Industrial Products of Illinois Works (petitioner), ZWG, and the American Association of Fastener Importers (AAFI), an interested party. At the request of the petitioner, we held a public hearing on October 3, 1995.

Comment 1: ZWG asserts that the Department may not use Indian import statistics because all of the values therein are for dumped or subsidized steel. ZWG states that all of the countries supplying steel bar and rod covered by the Indian import statistics are subject to antidumping or countervailing duty orders. ZWG states that the antidumping statute and court rulings prohibit the use of dumped or subsidized prices to value factors of production. ZWG cites the House Report to the Omnibus Trade and Competitiveness Act of 1988, with respect to factors of production: ''In valuing such factors, Commerce shall avoid using any prices which it has reason to believe or suspect may be dumped or subsidized prices * * *.'' ZWG states that, in the Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the People's Republic of China (Lock Washers), 58 FR 48833, the Department said it will not consider pricing information from any country found to be selling dumped or subsidized merchandise. ZWG also notes that, in Final Results of Antidumping Duty Administrative Review: Certain Iron Construction Castings from the People's Republic of China (Construction Castings), 57 FR 10644, the Department states it ''has consistently refused to base foreign market value (FMV) upon surrogate countries prices for exports if those exports may benefit from subsidies or are being dumped.'' ZWG states that the Court of International Trade (CIT), in *Tehnoimportexport, UCF America Inc.* v. *U.S. (Tehnoimportexport),* interpreted the House Report's ''believe or suspect'' standard to mean that the Department correctly rejected export values that were affected by industry-wide subsidies. ZWG argues that the CIT upheld the Department's rejection of particular Yugoslavian export prices in part because those prices were tainted by industry-wide subsidies. ZWG argues that the Department's published findings with respect to steel bar and rod and with respect to generalized steel subsidies provide compelling reason to ''believe or suspect'' that the Indian import statistics consist of dumped and subsidized prices. ZWG contends that the findings of dumping and subsidization pertain directly to those countries whose exports constitute India's import data. ZWG states that the Department is therefore legally precluded from using the Indian import data.

AAFI also argues that the Department cannot use Indian import statistics from countries subject to past or current antidumping or countervailing duty findings for purposes of calculating FMV.

Petitioner asserts that the Indian import statistics are not tainted as claimed. Noting that ZWG cited *Tehnoimportexport* for the proposition that the Department should reject the Indian import prices as it rejected the use of Yugoslavian steel export prices, petitioner quotes the CIT in that case:

> Commerce's decision in this case, however, was based on *final* antidumping determinations upon comparable merchandise and two *final* countervailing duty determinations in which Commerce determined that countervailable, non-product specific export subsidies were bestowed upon exports of steel products. Their decision was also based on several EC cases. In total, there was substantial evidence to allow a reasonable mind to conclude that there were dumping and subsidies favoring Yugoslavian steel exports.

Petitioner argues that in the case at hand the Department is not looking at Indian exports but at Indian imports. Petitioner asserts that the standard that the Department should use is whether the Indian imports in fact benefitted from dumped or subsidized prices. Petitioner argues that if India has imposed antidumping or countervailing duty measures against steel imports, the decision would be different. Noting a provision precluding the Department from using values because there are antidumping or countervailing duty decisions on the same product or there are countervailing duty decisions on general exports is not in the statute, petitioner argues that the legislative intent does not support the rigid

approach ZWG proposes. Petitioner argues that Congress was generally opposed to having American firms compete with imports that use dumped or subsidized inputs. Petitioner claims that, in the case of non-market economies (NMEs), the same condition would apply indirectly if the Department used dumped or subsidized prices to determine surrogate values. Petitioner argues that the Department should look at the date of any order, the nature of the subsidies, and the amount of the antidumping or countervailing duties. Petitioner further argues that, taken to its conclusion, ZWG's argument essentially restricts the Department from using import statistics for steel-related NME cases. Petitioner states that the Department rejected the argument that Indian import values should be disregarded in Lock Washers.

Department's Position: We agree with petitioner. There is no evidence that the Indian import statistics are ''tainted'' by dumping or subsidies. We agree with the petitioner that the question is whether Indian imports benefit from dumped or subsidized prices. There is no evidence that India has found dumping or subsidizing of steel imports into India. Although the Department determined there were sales to the United States at less than fair value of steel wire rod from Japan and Canada, these determinations alone are not sufficient bases for a belief or suspicion that those countries also dumped imports into India. Further, although the Department made affirmative countervailing duty determinations on flat-rolled steel products from several countries, there is no basis to conclude from those findings that the production or export of carbon steel wire rod from those countries is also subsidized. Therefore, we have no reason to ''believe or suspect'' that the Indian import statistics should not be used as a surrogate to value carbon steel wire rod.

Comment 2: ZWG argues that the domestic Indian prices of the Steel Authority of India Limited (SAIL) are preferable to Indian import prices according to the Department's criteria for selecting surrogate values. ZWG asserts that the Department is not obligated to use import statistics merely because they were used in the original investigation of sales at less than fair value (LTFV). ZWG argues that the Department has never expressed a preference for import statistics, nor has the Department ever announced a rule that it should adopt values from the original LTFV investigation merely to be consistent. ZWG argues that the Department's goal is to value non-market economy factors in as fair and accurate a manner as possible. ZWG argues that, in *Lasko Metal Products* v. *United States,* 43 F.3d 1442 (*Lasko*), the court stated that the antidumping statute does not say anywhere that the factors of production must be ascertained in a single fashion, and that the statutory purpose is to facilitate the determination of dumping margins as accurately as possible. ZWG contends that blindly following past decisions in the name of consistency would violate the ruling in *Lasko.* ZWG also cites Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the Republic of Hungary, 56 FR 41819, wherein the Department stated that ''simply because a particular source was used in previous reviews of this case does not preclude the Department from relying on alternate sources if the circumstances necessitate a change.'' ZWG argues that this case clearly necessitates a change.

ZWG states that the Department has adopted domestic Indian steel prices as publicly available published information (PAPI) on numerous occasions. ZWG argues that it has demonstrated that there is a stronger factual basis for using the SAIL data than for using the Indian import statistics. The record, ZWG claims, establishes that ZWG uses steel wire rod in the production of HSLWs. ZWG argues the SAIL data is size-specific price data for steel wire rods, while the import statistics encompass a wide variety of steel wire rods and bars. ZWG states that the Department has expressed a preference for PAPI that is specific to the inputs actually used in the production of subject merchandise. ZWG cites the Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Partial-Extension Steel Drawer Slides with Rollers from the PRC (Drawer Slides), 60 FR 29571 (June 5, 1995), where the Department adopted the product-specific domestic Indian steel prices from the SAIL data, the same data ZWG proposes, and rejected Indian import statistics and domestic price data contained in a U.S. Embassy market research report that was not product-specific. ZWG states that, in Drawer Slides, the Department used domestic Indian prices from the same SAIL source ZWG has proposed instead of using the Indian import statistics that covered the period. According to ZWG, in Drawer Slides, the Department preferred the SAIL information, which preceded the period of investigation, because it was product-specific. ZWG asserts that the SAIL data is also product-specific in this case. ZWG also argues that the SAIL data is virtually contemporaneous with the review period. ZWG asserts that surrogate information must be contemporaneous with the period under consideration rather than comprehensively cover the period under consideration.

ZWG argues that the Department has stated that the purpose of application of surrogate country information is to construct a value for the merchandise had it been manufactured in and exported from the surrogate country, or India in this case, citing Certain Cased Pencils from the People's Republic of China, 59 FR 55625, and Sebacic Acid from the People's Republic of China, 59 FR 28053. ZWG asserts that lock washer producers in India are far more likely to buy carbon steel wire rod produced by SAIL than they are to use imported steel wire rod. ZWG contends that SAIL accounts for 37.25 percent of the steel wire rod production in India. ZWG also asserts that the ratio of domestic production to imports of the same product is 132 to 1. ZWG argues the Department has expressed a preference for tax-exclusive public information and that the Department must deduct excise duties and statutory levies from the reported SAIL steel wire rod prices.

Petitioner argues that the Department has not used the SAIL prices in any case since the Omnibus Trade and Competitiveness Act of 1988, with the exception of the preliminary determination in Drawer Slides. Petitioner argues that the SAIL values are far below the Indian import values and other Indian steel prices. Petitioner further argues that the Department has found the Indian steel producers and exporters were being subsidized. Petitioner states that the Department determined that steel wire rope from India was being dumped and also that steel wire rope exports were being subsidized, citing Final Determination of Sales at Less Than Fair Value: Steel Wire Rope from India, 56 FR 46285, and Final Affirmative Countervailing Duty Determination: Steel Wire Rope from India, 56 FR 46292. Petitioner argues that the Department specifically addressed the issue of steel wire rod in the countervailing duty case. Petitioner contends that, while no countervailing duty order was issued, the Department clearly has reason to ''believe or suspect'' that the Indian prices for export are ''subsidized prices.'' Petitioner asserts that the effect of the Indian subsidy argues against the Department's using the 1994 SAIL prices.

Department's Position: We disagree with ZWG. ZWG has not established that there is a stronger factual basis for using the SAIL data than there is for using the import statistics. The scope of this review covers HSLWs made from stainless steel, carbon alloy steel, or carbon steel. The grade or chemistry of the steel is an important consideration, as evidenced by the range of HSLWs covered by the order. The chemistry of the steel determines the mechanical and physical properties of the steel and therefore is the driving factor in determining the end use. Therefore, in this case, the grade of steel is a more important consideration for the Department than is size, when choosing between different PAPI sources. Although the SAIL data is more size-specific, it is less grade-specific than the Indian import statistics. The Department used the SAIL data in Drawer Slides because in that case the SAIL data provided prices for steel that most closely resembled the specifications of the product used by the respondents. Notice of Final Determination of Sales at Less Than Fair Value: Certain Partial-Extension Steel Drawer Slides with Rollers from the PRC, 60 FR 54472, 54475 (October 24, 1995). Although ZWG argues that a lock washers producer in India is far more likely to buy carbon steel wire rod produced by SAIL than to use imported steel, our objective is to value the surrogate steel at prices available to a producer in the surrogate country which most closely reflect the type of steel used by the PRC producer. As a result, ZWGs references to consumption of SAIL steel vis-a-vis imported steel do not address our concerns on the accuracy of the grades of steel in HSLW production. Therefore, we have continued to use the Indian import statistics to value steel wire rod.

Comment 3: ZWG states that, in the preliminary results, the Department assumed that the reported amount of ocean freight covered only the ocean freight from Hong Kong to the United States and, as a result, the Department incorrectly added an additional amount for transportation from Ningbo or Shanghai to Hong Kong. ZWG argues that this assumption contradicts verified information on the record confirming that ZWG's ocean freight charges cover the entire shipment from Ningbo or Shanghai to the United States. ZWG states that there is record evidence that confirms the value of ocean freight charges associated with the shipment from Hong Kong to the United States by market economy carriers. ZWG also argues that at verification the Department confirmed the amount of ocean freight charges paid to the PRC carrier to bring an empty container from Hong Kong to Ningbo and to send a container laden with HSLWs from Ningbo to Hong Kong. ZWG argues that if the Department deducts the percentage of ocean freight costs associated with the shipment from the PRC to Hong Kong from the reported total ocean freight costs, the remainder will represent the Hong Kong-to-United States portion provided by a market economy carrier. These actual convertible currency expenses, ZWG argues, should be used for the portion of freight handled by market economy carriers. ZWG argues that the valuation of the PRC-to-Hong Kong ocean freight, handled by PRC carriers, should then be based on surrogate data.

Petitioner asserts that ZWG apparently did not establish that the price paid for the PRC-to-Hong Kong portion of the freight charge was market-derived. Petitioner argues that the Department appropriately assumed the entire shipping charge covered only the portion from the PRC port to Hong Kong. Petitioner also argues that ZWG's claim that a PRC carrier was also paid to bring an empty container from Hong Kong to Ningbo and return the filled container to Hong Kong should be reflected in any adjustment made by the Department.

Department's Position: We agree with ZWG in part. Ocean freight from Hong Kong to the United States was provided by market-economy carriers. We verified that the portion of the ocean freight expense from Ningbo to Hong Kong was market-derived. Therefore, we have used the reported total ocean freight expense for shipments from Ningbo to the United States. Because we are using the total of the actual expenses reported for ocean freight from Ningbo, the adjustment suggested by petitioner is unnecessary.

ZWG was not able to provide evidence during verification that the ocean freight expenses from Shanghai to Hong Kong were also market-derived. Moreover, the reported ocean freight expense was not broken down into Shanghai-to-Hong Kong and Hong Kong-to-the-United States segments. Therefore, for shipments from Shanghai, we have continued to treat the reported ocean freight expense as covering only the portion of the transportation provided on market-economy carriers from Hong Kong to the United States. We have calculated a separate charge using surrogate data based on Indian costs to value shipment services from Shanghai to Hong Kong provided by a PRC-owned carrier.

Comment 4: Petitioner argues that the Department used three steel subcategories, 7213.41, 7213.49, and 7213.50, to establish the surrogate value for steel wire rod in the LTFV investigation, and that these three categories remain correct. Petitioner contends that, according to industry standards, the steel grades used for lock washers range from AISI 1055 to 1065. Petitioner asserts that ZWG would buy steel available to meet specifications and that nominally referring to the steel as ''1060 grade'' does not mean zero tolerance. Petitioner argues that ZWG has not provided chemical analyses and established that the steel was only 1060 or above. Petitioner argues that nothing is on the record to indicate a change since the LTFV investigation where the Department used the three subcategories. Petitioner argues that the verification report does not mention the types of steel used to make specific types of lock washers. Petitioner asserts there is no support in the record to conclude that only 1060 grade steel was used.

ZWG argues that the Department did confirm that ZWG uses 1060 steel wire rod in the production of lock washers. ZWG provided a detailed description of the process for producing lock washers in its April 3, 1995 response. ZWG states that it provided the grades and concentration levels for all chemicals and materials used in the production of lock washers. ZWG states that at verification the Department examined the chemicals and other materials used by ZWG. ZWG argues that the grades and concentration levels were not among the items for which discrepancies were discovered during verification. ZWG argues that there is no reason to assume that there were discrepancies, merely because the Department did not explicitly state that the Department found nothing that contradicted ZWG's submissions. ZWG argues that the Department, rather than the petitioner, has the responsibility for confirming the accuracy of a response, citing *Micron Tech*. v. *United States*, Slip Op. 95–107, where the court stated that ''it is not surprising that [petitioner] cannot duplicate Commerce's verification using record documents because not all documents examined at verification are normally made a part of the administrative record.'' ZWG contends that there is no requirement that the verification report and exhibits document elements of the response for which there is no controversy.

ZWG argues that the Department properly found that the alternative 7213.41 and 7213.49 subcategories suggested by the petitioner were not

specific to the 1060 steel wire rod used by ZWG. ZWG argues that, even if petitioner were somehow justified in claiming these subcategories should also be used in valuing 1060 carbon steel wire rod, the import statistics are unusable because the countries listed are either non-market economy countries or the imports are from countries which have been found by the Department to contain dumped or subsidized prices. ZWG asserts that the one remaining country from the import statistics accounts for only one ton and cannot be used because its exports are insignificant compared to the total quantity.

AAFI argues that, if the Department continues to use the Indian import statistics, it should continue to use the one HTS subcategory applicable to AISI 1060, which is the grade ZWG reported using. AAFI disagrees with petitioner's assertion that, because the Department did not verify ZWG's steel specifications for every purchase of steel and because there is no statement in the verification report that the Department specifically investigated the annealing, cleaning, coating, and other specifications, the Department should assume ZWG's submission was inaccurate and that all three categories of steel were purchased during the period of review. AAFI argues that it would be improper to assume that any element not specifically addressed in the verification report compels a presumption of deficiency or inaccuracy. AAFI states that no deficiencies were reported with respect to reported steel grades; therefore, AAFI contends that the questionnaire response was verified. AAFI argues that AISI grade 1060 non-alloy steel rod contains more than .6 percent carbon. Consequently, AAFI states, HTS 7213.50 most accurately describes the raw material actually used by ZWG. AAFI argues that the fact that three HTS categories were used in the original LTFV investigation does not require the Department to continue to use them, considering that there are apparent differences between grades reported in the period of investigation and this period of review.

Department's Position: We disagree with the petitioner that in this review we must continue to use the three HTS subcategories used in the LTFV investigation. If the circumstances necessitate a change, the Department is not precluded from changing its surrogate data simply because particular data were used in a previous segment of the proceeding. We disagree with petitioner's conclusion that, because the verification report does not mention the types of steel used, there was a discrepancy with the grade reported in ZWG's response.

We verified ZWG's response and did not find any discrepancies with respect to its steel specifications. We agree with ZWG that there is no requirement that the verification report document the elements of the response for which there is no controversy. The 1060 wire rod used by ZWG is a high carbon steel. Although tolerance levels could allow a carbon content slightly below .6 percent, 1060 grade steel wire rod imports would be classified under HTS 7213.50. The HTS subcategories 7312.41 and 7213.49 suggested by the petitioner contain wire rod with a carbon content between .25 and .59 percent carbon. Therefore, for these final results we continued to use the HTS subcategory which contains 1060 steel wire rod.

Comment 5: Petitioner argues that the wholesale price indices (WPIs) the Department used to adjust the surrogate values to reflect prices during the period of review should not be rounded to one decimal point. Petitioner asserts that the effect of rounding is significant because the values to which the WPI is applied are large. Petitioner asserts that, since the Department makes its margin calculation to the multiple decimal point, the Department should not round off the inflation factor. Petitioner argues that it is imperative that the inflators be as accurate as possible.

Department's Position: We disagree with the petitioner. The WPIs published in the International Financial Statistics by the International Monetary Fund are given to only one decimal point. Therefore, it is most reasonable to round the average of the WPI for the period to one decimal point.

Comment 6: Petitioner argues that the Department erred when it rejected the selling, general and administrative (SG&A) figures, based on information regarding the company Forbes Gokak, supplied to the Department in a cable from the U.S. consulate in Bombay which the Department used in the LTFV investigation.

Petitioner argues that the Reserve Bank of India (RBI) data for 1992 that the Department used in the preliminary results for determining SG&A expenses are both less specific and less contemporaneous than the Forbes Gokak information. Petitioner argues that the main problem with the RBI data is that it does not reflect the experience of the specific industry subject to the review. Petitioner contends that firms included in the RBI data have different cost structures than lock washers producers. Petitioner asserts that, on the other hand, Forbes Gokak was producing lock washers in India in 1993, concurrent with the period of review. Petitioner further argues that expenses such as insurance and interest were missing from the Departments calculation, and that an Indian business would include these expenses in its SG&A.

ZWG argues that the Department properly discarded the Forbes Gokak information and instead used the RBI information. ZWG argues that the petitioners comment about the contemporaneity and specificity of the RBI data is inapposite. ZWG contends that the contemporaneity and specificity criteria only apply when the Department must select from alternative PAPI values submitted by interested parties. As the State Department cable regarding Forbes Gokak is not published information, ZWG asserts that the criteria do not apply in this case. ZWG argues that the Forbes Gokak cable data would still be inapplicable to this proceeding even if the contemporaneity and specificity criteria applied, since Forbes Gokak does not appear to manufacture lock washers. ZWG argues that there was no concrete evidence that Forbes Gokak has ever made lock washers, and that the information regarding Forbes Gokak's SG&A and overhead costs contained in the cable from the U.S. consulate in Bombay was never verified. ZWG asserts that, even if Forbes Gokak produced lock washers, its operations and the financial data based on its operations are overwhelmingly related to textile production, not lock washers production. ZWG argues that other Indian companies do manufacture lock washers.

Petitioner argues that the invalidity of the Forbes Gokak data has not been shown. Petitioner challenges ZWGs arguments that Forbes Gokaks primary business activities are in textile production and that the Department should not base calculations on the financial performance of only one of several lock washer producers. Petitioner argues that the Forbes Gokak information specifically applies to lock washers. Petitioner asserts that Forbes Gokak was identified as a producer and that the Department routinely and appropriately uses unverified information from State Department cables. Petitioner points out that in this case State Department cables are being used for transportation rates.

ZWG argues that the use of a separate State Department cable for transportation costs does not validate the overhead, SG&A and profit values of Forbes Gokak. ZWG explains that it proposed the use of the State Department cable in valuing

transportation costs for lack of any alternative PAPI. ZWG argues that the State Department cable information must fail when information demonstrating the factual infirmity of the cable and appropriate PAPI are on the record before the Department. ZWG argues that, unlike that of the transportation costs, the credibility of the overhead, SG&A and profit data are dependent on Forbes Gokaks status as a company devoted to the production of lock washers. ZWG states that the Department has used the RBI data in many proceedings subsequent to the LTFV investigation of lock washers. ZWG argues that in each decision the Department has held that the overhead, SG&A, and profit data from the RBI bulletin were sufficiently specific to the subject merchandise for use in the Departments dumping calculation.

With respect to petitioner's claim that the RBI data do not include certain expenses, ZWG asserts that the petitioner implies that the Department should tailor the SG&A surrogate value to fit the SG&A expenses paid by ZWG during the period of review. ZWG cites Drawer Slides to argue that the Department has a policy of not tailoring surrogate country values to reflect respondents actual experience: ''in NME proceedings, the FMV is normally based on factors valued in a surrogate country (with regard to, for example, actual selling expenses) on the premise that the actual experience cannot be meaningfully considered.'' ZWG also cites Notice of Final Determination of Sales at Less Than Fair Value: Disposable Pocket Lighters from the PRC, 60 FR 22359: ''we disagree that we are required to customize factor value to reflect conditions of certain PRC respondents.''

AAFI agrees that the Department properly used the RBI data for overhead and SG&A in the preliminary results. AAFI argues that the SG&A figure provided in the State Department cable is deficient for several reasons, not the least of which is the fact that a 30 percent SG&A for a fastener manufacturer is so abnormally high that its credibility is manifestly suspect. AAFI argues that, while the Department stated in the LTFV investigation that it was using the Forbes Gokak data because that company was the only major producer of HSLWs in India, this premise has now been proven incorrect. AAFI argues that what has become less clear is the assertion that Forbes Gokak is even engaged in lock washer production. AAFI argues that it is appropriate to use the RBI data under these circumstances. AAFI argues further that it has been Department policy to use alternative data when a particular surrogate value is deemed aberrational, citing Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid From the Republic of Hungary, 57 FR 48293. AAFI argues that the 30 percent figure is clearly aberrational when compared to the metal working industry average as a whole as reflected in the RBI data.

Departments Position: During the LTFV investigation, the Department used the Forbes Gokak information contained in the cable from the U.S. consulate in Bombay because it ''indicate[d] that Forbes Gokak is the only major producer of helical spring lock washers in India.'' In the preliminary results of this review, we declined to use Forbes Gokak's data because information submitted on the record by ZWG indicated that Forbes Gokak was not a producer of lock washers. In response to comments by both petitioner and respondent, we decided to request clarifying information after the preliminary results. We received a letter from Forbes Gokak and the company's 1994/1995 consolidated annual report. This information indicated that Forbes Gokak did in fact produce lock washers. However, the proportion of lock washer sales in relation to sales of other products, mostly textiles, was minuscule. Because the SG&A, overhead, and profit figures in Forbes Gokak's financial statement were reported on a company-wide basis, and could not be segregated according to product line, we cannot determine whether the SG&A, overhead, and profit figures are representative of lock washer production. Therefore, we determine that information from the Reserve Bank of India is more appropriate in this case.

We agree with petitioner that an Indian producer would include interest and insurance in its SG&A. We have recalculated the surrogate SG&A percentage to include interest and insurance.

Comment 7: Petitioner argues that the overhead rate that the Department used, based on the RBI data, is also less specific and less contemporaneous than the Forbes Gokak information. Petitioner argues that the Forbes Gokak overhead figure is comparable to the RBI number, and that this shows that the Forbes Gokak information is reliable. Petitioner argues that ZWGs attempt, in its June 30, 1995 submission, to show that its machines are old and have little value avoids the question of what the situation would be in the surrogate country. Petitioner argues that the ''cost'' in the PRC is distinctly different from that in a market economy country and that expenses incurred by ZWG are not relevant to determining the cost in a market economy country.

AAFI argues that ZWG made the point, in a submission filed prior to the preliminary results, that lock washer production is not capital-intensive or does not have high-R&D cost anywhere. AAFI argues that a manufacturer of this product in a country which has achieved a level of economic development comparable to that of the PRC will probably operate a lock washer facility of a nature comparable to that of a manufacturer in the PRC. AAFI argues that such a facility will likely not be characterized by high SG&A and overhead costs relative to output. AAFI argues that there is no indication that either Indian or Chinese lock washer production is so capital intensive that the discredited Forbes Gokak data should be used.

AAFI argues the Department should continue to use the RBI information, rather than the Forbes Gokak figure, for overhead in its final calculation. AAFI argues that consistency and logic dictate that, under the circumstances of record for this period of review, the same source should be used for the SG&A and overhead figures.

Departments Position: We disagree with the petitioner, in part. For the reasons stated in our response to Comment 6, we find that the RBI data is more appropriate to use than the Forbes Gokak information supplied in the cable from the consulate in India. We do not agree that the similarity between the RBI and Forbes Gokak overhead percentages support the use of the information in the cable. Further, there is no evidence to support petitioners assertion that the data in the cable is more contemporaneous with the period of review than is the RBI data. We do agree with the petitioner that the costs incurred between PRC parties are not relevant to costs in a market-economy country and have not made specific adjustments to overhead or SG&A for the experience of the PRC producer.

Comment 8: Petitioner argues that even if ZWG (or the plating factory) used its own trucks to pick up and deliver materials, the cost of these trips should have been reflected as part of transportation expenses and not included as part of overhead expenses. Petitioner argues that including the cost of transportation to and from the plating plant as part of factory overhead is at variance with the approach the Department has taken in this and other cases where deliveries are involved. Petitioner argues that, although the Department accepted ZWGs argument in

the LTFV investigation, the Department has not used this approach in any other proceeding of which petitioner is aware.

ZWG argues that petitioner erroneously criticizes the Department for its decision not to add inland freight costs for expenses associated with trucking lock washers to and from the plating subcontractor. ZWG argues that the Department properly found such expenses to be included in the overhead expenses of ZWG. ZWG argues that this is consistent with the use of the RBI data for overhead, which includes power and fuel, repairs to machinery, depreciation, and rates and taxes. ZWG argues that all of these expenses are associated with the operation of motor vehicles in India, the surrogate country. ZWG contends that the Department correctly did not add such transportation costs to the material costs, as in the original LTFV investigation.

Departments Position: We agree with ZWG. As in the LTFV investigation, we determined that the costs associated with this type of transportation are included in the surrogate value for factory overhead. Therefore, we did not calculate a separate transportation cost for trucking the lock washers to and from the plating subcontractor. See Notice of Preliminary Determination of Sales at Less Than Fair Value: Honey From the People's Republic of China, 60 FR 14725, 14729 (March 20, 1995).

Comment 9: FI argues that the Department used the per kilogram value of production and plating chemicals but made no apparent adjustments to reflect the difference between the concentration levels reported by respondents and those in the import statistics. AAFI argues that, in the amended final determination for the LTFV investigation of lock washers from the PRC, the Department adjusted certain chemical prices obtained from the Indian import statistics to reflect the concentrations reported by ZWG and verified by the Department. AAFI argues that similar adjustments were made in other cases, citing Notice of Final Determination of Sales at Less Than Fair Value: Certain Paper Clips from the PRC, 59 FR 51168.

Petitioner states that during the LTFV investigation several adjustments were made to reflect concentration levels. Petitioner argues that in this case neither AAFI nor ZWG has claimed on the record that specific adjustments reflecting concentration levels should be made.

Departments Position: We agree with AAFI in part. ZWG claimed in its June 6, 1995 submission that the surrogate values used by the Department should be adjusted to the actual concentration levels used by ZWG. Where we have been able to determine the concentration of the surrogate input, we have adjusted for differences between the surrogate and the actual material. ZWG has not provided any information concerning the concentration levels of the surrogate values and the Department has been unable to determine the concentration levels of imports shown in the Indian import statistics. Therefore, we have made no adjustment for concentration levels where the surrogate concentration is not known.

Final Results of Reviews

As a result of the comments received, we have changed the results from those presented in our preliminary results of review:

Manufacturer/Exporter	Time period	Margin (percent)
Zhejiang Wanxin Group Co., Ltd.	10/15/93–09/30/94	26.08

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of these final results of administrative review for all shipments of HSLWs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) For ZWG, which has a separate rate, the cash deposit rate will be the company-specific rate established in these final results of review; (2) for all other PRC exporters, the cash deposit rate will be 128.63 percent, the PRC rate established in the LTFV investigation of this case; and (3) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: August 6, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–20613 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–822]

Certain Helical Spring Lock Washers From The People's Republic of China; Preliminary Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of the antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain helical spring lock washers (HSLWs) from the People's Republic of China (PRC) in response to requests by the respondent, Zhejiang Wanxin Group Co., Ltd., (ZWG), and the petitioner, Shakeproof Industrial Products Division of Illinois Tool Works (petitioner). This review covers shipments of this merchandise to the United States during the period October 1, 1994, through September 30, 1995.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between export price and NV.

Interested parties are invited to comment on these preliminary results. Parties who submit argument are

requested to submit with each argument (1) A statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: August 13, 1996.

FOR FURTHER INFORMATION CONTACT: Donald Little or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–4733.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

The Department published in the Federal Register the antidumping duty order on HSLWs from the PRC on October 19, 1993 (58 FR 53914). On October 5, 1995, the Department published in the Federal Register (60 FR 52149) a notice of opportunity to request an administrative review of the antidumping duty order on HSLWs from the PRC covering the period October 1, 1994 through September 30, 1995.

On October 30 and 31, 1995, in accordance with 19 CFR 353.22(a), petitioner and ZWG, respectively, requested that we conduct an administrative review of ZWG, also known as Hangzhou Spring Washer Plant. We published a notice of initiation of this antidumping duty administrative review on November 16, 1995 (60 FR 57573). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

The products covered by this review are HSLWs of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non-heat-treated, plated or non-plated, with ends that are off-line. HSLWs are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper.

HSLWs subject to this review are currently classifiable under subheading 7318.21.0030 of the Harmonized Tariff Schedule of the United States (HTS). Although the HTS subheading is provided for convenience and Customs purposes, the written description of the scope of this proceeding is dispositive.

This review covers one exporter of HSLWs from the PRC, ZWG, and the period October 1, 1994, through September 30, 1995.

Separate Rates

To establish whether a company operating in a state-controlled economy is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991) (Sparklers), as amplified by the Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China (59 FR 22585, May 2, 1994) (Silicon Carbide). Under this policy, exporters in non-market economies (NMEs) are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law and in fact, with respect to export activities. Evidence supporting, though not requiring, a finding of *de jure absence* of government control over export activities includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control over exports is based on four factors: (1) Whether each exporter sets its own export prices independently of the government and without the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and (4) whether each exporter has autonomy from the government regarding the selection of management.

In the less than fair value investigation, we determined that ZWG, then known as Hangzhou Spring Washer Plant, warranted a company-specific dumping margin according to the criteria identified in Sparklers. (See Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers From the People's Republic of China, 58 FR 48833 (September 20, 1993) (Lock Washers).) In the administrative review covering the period from October 15, 1993 through September 30, 1994 (1993–94 review), we preliminarily determined that ZWG merited a separate rate under Sparklers and the additional criteria identified in Silicon Carbide. Because the results from the 1993–94 review are not final, we analyzed ZWG's submission in this review to determine whether ZWG continues to merit a separate rate under Sparklers and Silicon Carbide. We have found that the evidence on the record of this review also demonstrates an absence of government control, both in law and in fact, with respect to ZWG's exports according to the criteria identified in Sparklers, and an absence of government control with respect to the additional criteria identified in Silicon Carbide. For further discussion of the Department's preliminary determination that ZWG is entitled to a separate rate, see Decision Memorandum to Edward Yang, Director, Office 9, Import Administration, dated July 19, 1996, ''Separate Rates in the Second Administrative Review of Certain Helical Spring Lock Washers from the People's Republic of China,'' which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

Export Price

For sales made by ZWG we used export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation into the United States.

We calculated export price based on the price to unrelated purchasers. We deducted an amount, where appropriate, for foreign inland freight, brokerage and handling, ocean freight, and marine insurance. We valued foreign inland freight, brokerage and handling, ocean freight, and marine insurance using surrogate data based on Indian costs. We selected India as the surrogate country for the reasons explained in the ''Normal Value'' section of this notice.

Normal Value

For companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine NV using a factors-of-production methodology if (1) The merchandise is exported from an NME

country, and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

We calculated NV based on factors of production in accordance with section 773(c)(4) of the Act and section 353.52(c) of our regulations. We determined that India is comparable to the PRC in terms of (1) Per capita gross national product (GNP), (2) the growth rate in per capita GNP, and (3) the national distribution of labor. In addition, India is a significant producer of comparable merchandise. Therefore, for this review, we chose India as the most comparable surrogate on the basis of the above criteria, and have used publicly available information relating to India to value the various factors of production. (See Memorandum to Laurie Parkhill from David Mueller, dated May 6, 1996, ''Certain Helical Spring Lock Washers from the People's Republic of China: Non-market Economy Status and Surrogate Country Selection,'' and Memorandum to the File from Donald Little, dated July 22, 1996, ''India: Significant Production of Comparable Merchandise,'' which are on file in the Central Records Unit (room B099 of the Main Commerce Building).)

We valued the factors of production as follows:

- For steel wire rods, we used a per kilogram value obtained from the Monthly Statistics of Foreign Trade of India (Indian Import Statistics). Using wholesale price indices (WPI) obtained from the International Financial Statistics, published by the International Monetary Fund (IMF), we adjusted these values to reflect inflation up to the period of review (POR). We made further adjustments to include freight costs incurred between the supplier and ZWG.
- For chemicals used in the production and plating of lock washers, we used per kilogram values obtained from the Indian publication Chemical Weekly and the Indian Import Statistics. We adjusted the Indian Import Statistics and Chemical Weekly rates to reflect inflation up to the POR using WPI published by the IMF. We made further adjustments to include freight costs incurred between the supplier and ZWG.
- For hydrochloric acid, we based the value on an Indian price quote used in the Final Determination of Sales at Less Than Fair Value: Coumarin from the People's Republic of China (59 FR 66895, December 28, 1994) (Coumarin), because data in the Indian Import Statistics for hydrochloric acid has been found to be aberrational (see Coumarin). We adjusted the value used in Coumarin to reflect inflation up to the POR using WPI published by the IMF.
- For direct labor, we used the labor rates reported in the Economic Intelligence Unit report Investing, Licensing & Trading Conditions Abroad: India, released November 1995. This source breaks out labor rates between skilled and unskilled labor for 1995 and provides information on the number of labor hours worked per week. We adjusted these rates to reflect the average inflation throughout the POR using WPI published by the IMF.
- For factory overhead, we used information reported in the April 1995 Reserve Bank of India Bulletin for the Indian metals and chemicals industries. From this information, we were able to determine factory overhead as a percentage of the total cost of manufacture.
- For selling, general and administrative (SG&A) expenses, we used information obtained from the April 1995 Reserve Bank of India Bulletin for the Indian metals and chemicals industries. We calculated an SG&A rate by dividing SG&A expenses by the cost of manufacture.
- To calculate a profit rate, we used information obtained from the April 1995 Reserve Bank of India Bulletin for the Indian metals and chemicals industries. We calculated a profit rate by dividing the before-tax profit by the cost of manufacturing plus SG&A.
- For packing materials, we used per kilogram values obtained from the Indian Import Statistics. We adjusted these values to reflect inflation up to the POR using WPI published by the IMF.
- To value electricity, we used the price of electricity for 1995 reported in the Confederation of Indian Industries Handbook of Statistics. We adjusted the value of electricity to reflect the average inflation throughout the POR using WPI published by the IMF.
- To value coal, we used a per kilogram value obtained from the Monthly Statistics of Foreign Trade of India. We adjusted these rates to reflect inflation up to the POR using WPI published by the IMF.
- To value water, we used the Asian Development Bank's Water Utilities Data Book for the Asian and Pacific Region, November 1993. We adjusted the value of water to reflect inflation up to the POR using WPI published by the IMF.
- To value truck freight, we used a rate derived from The Times of India as used in the Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from the People's Republic of China (61 FR 14057, March 29, 1996). We adjusted the rate to reflect inflation up to the POR using WPI published by the IMF.
- To value rail freight, we used the price reported in a December 1989 cable from the U.S. Embassy in India submitted for the Final Results of Antidumping Duty Administrative Review: Shop Towels of Cotton from the People's Republic of China (56 FR 4040, February 1, 1991). We adjusted the rail freight rates to reflect inflation up to the POR using WPI published by the IMF.

Currency Conversion

We made currency conversions pursuant to section 353.60 of the Department's regulations at the rates certified by the Federal Reserve Bank.

Preliminary Results of Review

We preliminarily determine that the following dumping margin exists:

Manufacturer/exporter	Time period	Margin (percent)
Zhejiang Wanxin Group Co., Ltd.	10/01/94–09/30/95	39.11
PRC rate	10/01/94–09/30/95	128.63

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice in accordance with 19 CFR 353.28. Any interested party may request a hearing within 10 days of publication in accordance with 19 CFR 353.38(b). Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 19 CFR 353.38(c). Rebuttal briefs, which must be limited to issues raised in the case briefs, may

be filed not later than 37 days after the date of publication. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price and NV may vary from the percentage stated above for ZWG. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of HSLWs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For ZWG, which has a separate rate, the cash deposit rate will be the company-specific rate established in the final results of this administrative review; (2) for all other PRC exporters, the cash deposit rate will be the PRC rate; and (3) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: August 6, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–20614 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–351–824]

Silicomanganese From Brazil; Extension of Time Limits of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limits of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for preliminary results in the administrative review of the antidumping duty order on silicomanganese from Brazil, covering the period June 17, 1994, through November 30, 1995, since it is not practicable to complete the review within the time limits mandated by the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: August 13, 1996.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Kris Campbell, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

The Department received a request to conduct an administrative review of the antidumping duty order on silicomanganese from Brazil. On January 26, 1996, the Department initiated this administrative review covering the period June 17, 1994, through November 30, 1995.

Under the Act, the Department may extend the deadline for the completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. In the instant case, the Department has determined that it is not practicable to complete this review within the time limits mandated by the Act. See Memorandum from Laurie Parkhill to Susan Kuhbach (August 8, 1996). Therefore, in accordance with that section, the Department is extending the time limits for the preliminary results to December 31, 1996. Our final results will be issued 120 days after the publication of the preliminary results.

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 353.34 (b).

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: August 8, 1996.

Susan Kuhbach,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–20612 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–DS–P

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as ''Export Trade Certificate of Review, application number 84–7A012.''

Northwest Fruit Exporters' (''NFE'') original Certificate was issued on June 11, 1984 (49 FR 24581, June 14, 1984)

and previously amended on May 2, 1988 (53 FR 16303, May 6, 1988); September 21, 1988 (53 FR 37628, September 27, 1988); September 20, 1989 (54 FR 39454, September 26, 1989); November 19, 1992 (57 FR 55510, November 25, 1992); and August 16, 1994 (59 FR 43093). A summary of the application for an amendment follows.

Summary of the Application

Applicant: Northwest Fruit Exporters (''NFE''), 105 South 18th Street, # 205 Yakima, Washington 98901.

Contact: Ken Severn, Secretary/Treasurer, Telephone: (509) 453–4837.

Application No.: 84–7A012.

Date Deemed Submitted: August 5, 1996.

Proposed Amendment: Northwest Fruit Exporters seeks to amend its Certificate to:

1. Add each of the following companies as a new ''Member'' of the Certificate within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Andrus & Roberts Produce Co., Sunnyside, Washington; Barbee Orchards/Obert Cold Storage, Zillah, Washington; Blue Bird, Inc., Peshastin, Washington; Blue Mountain Growers, Inc., Milton-Freewater, Oregon; Columbia Reach Pack, Yakima, Washington; Crandell Fruit Company, Wenatchee, Washington; Custom Apple Packers, Inc., Brewster, Washington; Dole Northwest, Wenatchee, Washington; Fossum Orchards, Inc., Yakima, Washington; G & G Orchards, Inc., Yakima, Washington; Keystone Ranch, Riverside, Washington; Olympic Fruit Co., Moxee, Washington; Rolling Hills Orchards, Emmett, Idaho; Roy Farms, Moxee, Washington; Sands Orchards, Inc., Emmett, Idaho; Smith & Nelson, Inc., Tonasket, Washington; Squaw Creek Ranch, Inc., Pateros, Washington; Symms Fruit Ranch, Inc., Caldwell Idaho; and The Apple House, Inc., Brewster, Washington.

2. Delete the following companies as a ''Members'' of the Certificate: Blue Chelan, Inc., Chelan, Washington; Earl E. Brown & Sons, Inc., Milton-Freewater, Oregon; Cowin & Sons, Wapato, Washington; Dovex Export Co., Wenatchee, Washington; Duckwall-Pooley Fruit Co., Odell, Oregon; E.W. Brandt & Sons, Inc., Parker, Washington; Holt and Robison Fruit Co., Inc., Omak, Washington; Jones Fruit & Produce, Inc., Cashmere, Washington; M & J Fruit Sales, Yakima, Washington; Nuchief Sales, Inc., Wenatchee, Washington; Orchard View Farms, The Dalles, Oregon; Pacific Fruit Growers & Packers, Inc., Yakima, Washington; Peshastin Fruit Gowers Assn., Peshastin, Washington; Pine Canyon Fruit Co., Inc., Orondo, Washington; Poirier Warehouse, Pateros, Washington; Rainier Fruit Sales, Selah, Washington; Skookum, Inc., Wenatchee, Washington; Sun King Fruit, Sunnyside, Washington; Valicoff Fruit Company, Inc., Wapato, Washington; and Wapato Fruit, Wapato, Washington; and

3. Change the listing of the company name for the current Member ''Trout, Inc.'' to the new listing ''Trout-Blue Chelan, Inc.;''

Dated: August 7, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96–20582 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–DR–U

Announcement of Performance Review Board Membership

AGENCY: International Trade Administration, Commerce.

SUMMARY: This announces the appointment by the Department of Commerce Deputy Under Secretary for International Trade, Timothy J. Hauser, of the Performance Review Board (PRB). This is a revised list of membership which includes previous members as listed in the August 3, 1995, Federal Register Announcement (60 FR 39712) with additional members added for a two-year term. The purpose of the International Trade Administration's PRB is to review and make recommendations to the appointing authority on performance and other issues concerning members of the Senior Executive Service (SES). The members are:

Anne L. Alonzo, Deputy Assistant Secretary for Environmental Technologies Exports, Trade Development

Peter Hale, Director, Office of Policy Coordination, Market Access and Compliance

Mary Fran Kirchner, Deputy Assistant Secretary for Export Promotion Services, U.S. and the Foreign Commercial Service

Holly A. Kuga, Director, Office of AD/CVD Enforcement IV, Import Administration

Eleanor Roberts Lewis, Chief Counsel for International Trade (non-ITA member)

Jon C. Menes, Director, Office of Trade and Economic Analysis, Trade Development

Regina K. Vargo, Deputy Assistant Secretary for Western Hemisphere, Market Access and Compliance

FOR FURTHER INFORMATION CONTACT: LaVerne H. Hawkins, Executive Secretary for the Performance Review Board on 202–482–2536.

Dated: August 7, 1996.

James T. King, Jr.,

Human Resources Manager, ITA.

[FR Doc. 96–20608 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–25–P

National Institute of Standards and Technology

[Docket No. 960709188–6188–01]

RIN 0693–XX20

National Voluntary Conformity Assessment System Evaluation (NVCASE) Program

AGENCY: National Institute of Standards and Technology, (NIST) Commerce.

ACTION: Notice; request for public comment.

SUMMARY: This is to advise the public that the National Institute of Standards and Technology (NIST) received a letter dated May 3, 1996 from the PFS/TECO Corporation requesting the development of a new program under the National Voluntary Conformity Assessment System Evaluation (NVCASE) Program to evaluate and accredit third party product certification bodies which inspect and certify structural use panels and engineered wood products. The proposed program would provide a domestic alternative to similar programs currently operated by the Japanese and Canadian Governments and would allow testing and certification performed in the United States to be accepted by those countries on an equal basis as if performed in either of those countries.

DATES: Comments on this request must be received by October 28, 1996.

ADDRESSES: Comments should be submitted in writing to Robert L. Gladhill, NVCASE Program Manager, NIST, Bldg. 820, Room 282, Gaithersburg, MD 20899, by fax at 301–963–2871, or email rlglad@nist.gov.

FOR FURTHER INFORMATION CONTACT: Robert L. Gladhill, NVCASE Program Manager, at NIST, Bldg 820, Room 282, Gaithersburg, MD 20899, by telephone at 301–975–4029, by fax at 301–963–2871 or by email at rlglad@nist.gov.

SUPPLEMENTARY INFORMATION: The NVCASE procedures at 15 CFR Part 286 require NIST to seek public consultation when it receives such requests. This program involves a collection of information subject to the Paperwork Reduction Act. This collection is approved by the Office of Management

and Budget under OMB Control No. 0693–0019.

The text of the request follows:

May 3, 1996, PFS/TECO Corporation, 2402 Daniels Street, Madison, WI 53704

Dr. Manager, NVCASE Program: Please accept this formal request from PFS/TECO Corporation for NVCASE to develop a specific evaluation program for third party quality assurance certification agencies involved in the inspection and certification agencies involved in the inspection and certification of structural use panels (plywood and oriented strand board) and engineered wood panels, structural glued laminated timber, prefabricated wood I–joists, composite structural lumber, sandwich panels either rigid or foam), particleboard and construction adhesives used in these products.

Using the NIST outline for submitting this request, the following is the background information that should assist NIST in moving ahead with this application.

Foreign Requirements

PFS/TECO Corporation is applying to NIST for development of a NVCASE program in the above wood products area in response to programs currently run by the Japanese Government and the Canadian Government that currently allow for, or will soon allow for, the mutual recognition of a NVCASE certified third party quality assurance certification and inspection agency.

The Japanese program for the wood products and components listed above is under the direction of the Japanese Agricultural Service (JAS) under the Ministry of Agriculture, Forestry and Fisheries (MAFF). Dr. Belinda Collins of NIST made a recent presentation to JAS and MAFF at a Tokyo meeting in which she described the capability of NVCASE to certify United States third party quality assurance certification and inspection agencies. This was done to pave the way for JAS/MAFF to recognize NVCASE certified third party agencies.

This application is a follow-up to that presentation in that PFS/TECO has already obtained the first private sector Foreign Testing Organization (FTO) recognition granted by JAS for plywood, OSB and engineered wood products. This was done at great expense (over $500,000) and three years of arduous effort. It would be beneficial to PFS/TECO to receive NVCASE recognition acceptable to JAS/MAFF in lieu of the continuing costly trips to Tokyo and costly audits with Japanese staff coming to the United States to maintain the current JAS FTO recognition. The audit and maintenance of a NVCASE recognition would be within the continental United States at greatly reduced expense to PFS/TECO when contrasted to current JAS/FTO approval maintenance costs.

The Canadian program is run by the Standards Council of Canada (SCC) under the SCC ''Criteria and Procedures for Accreditation of Certification Organizations''. The existing North American Trade Agreement (NAFTA) allows for mutual recognition by Canada and the United States of each other country's certified third party testing laboratories and third party quality assurance certification and inspection organizations.

PFS/TECO was able to successfully become certified via NIST's NVLAP program for its wood products testing laboratories which had led to its mutual acceptance in Canada for wood products testing purposes. However, with no existing parallel NVCASE program, PFS/TECO is currently undergoing a difficult, time consuming application with the SCC in Canada with an estimate time for completion of up to two years and at a cost of several hundred thousand dollars. Meanwhile, existing Canadian third party wood product quality assurance inspection and certification agencies with their prior SCC approval (obtained years ago as a requirement within Canada) are readily accepted here in the United States under NAFTA. The quick development of the NVCASE program for wood products based third party certification and inspection agencies would put PFS/TECO back on a ''level playing field'' at, again, a greatly reduced cost and at a faster turn-around compared to the deliberate, slow pace of the Canadian SCC approval process.

Industry Sector

As stated in our opening paragraph, the industry sector is wood panels, engineered wood components and related wood based structural products and adhesives. These include:

Plywood—Currently certified to NIST/DOC Standard PS1–95

Oriented Strand Board (OSB)—Currently certified to NIST/DOC Standard PS 2–92

Structural Use Panels—Either PS 1 or PS 2 certified

Additionally, all of the following industry sector are certified to a wide range of ASTM and ANSI standards and/or PS 2:

Wood Composite Panels
Structural Glued Laminated Timber
Prefabricated Wood I–Joists
Composite Structural Lumber
Sandwich Panels (Rigid or Foam)
Particleboard

Construction adhesives—used in all of the above products

Program Area

The program area would cover product certification only. The testing laboratory portion is already covered by NVLAP and PFS/TECO is certified as a testing laboratory for all of the above wood products or adhesives under NVLAP.

Level of Recognition

The program would involve direct accreditation by NVCASE as the NAFTA agreement allows reciprocal recognition by Canada by NVCASE certified third party certification and inspection agencies. PFS/TECO believes that NIST, via Dr. Belinda Collins, is negotiating similar reciprocal recognition of NVCASE by JAS/MAFF for use in the Japanese market segment that PFS/TECO currently serves via its own FTO certification and engineered wood certification by JAS/MAFF.

Recommended Criteria/Technical Requirements

The recommended criteria would include PS 1–95 and PS 2–92 issued by the U.S. Department of Commerce coupled with a wide range of ASTM and ANSI standards dealing with the various physical property testing or measurement approaches for plywood, OSB, and their related engineered wood components. Please refer to PFS/TECO's NVLAP accreditation of file at NIST which details the over 50 ASTM and ANSI standards involved in these various wood products and components.

Rationale

Covered in the above discussion are the difficulties, costs and extensive time involved in directly achieving recognition by the JAS/MAFF for Japan and the SCC for Canada. That alone should suffice as the justifying rationale for a NVCASE program as Canada via NAFTA already recognized NVCASE certified third parties and NIST appears to be successfully negotiating NVCASE recognition with JAS/MAFF in Japan.

Both Canada and Japan do not recognize other private sector accreditation approaches or non-Federal government approaches for third party quality assurance inspection and certification agencies such as via the model building codes, or via various state governments. Japan and Canada will only accept, at this time, a Federal government program such as NVCASE in that it parallels their own national, centralized governmental approach to certification of third party organizations.

If this NVCASE program were to move ahead, PFS/TECO believes that it would ease or further ease market access for the large segments of the U.S. plywood and OSB industry into Japan or into Canada. PFS/TECO is aware of approximately ten other U.S. private sector third party quality assurance inspection and certification agencies that would benefit by and would probably participate in this NVCASE program if it were developed into fruition.

After review of the above, please advise what NIST's opinion and response is. If there are any questions or if I can provide additional details, please contact me directly.

Sincerely,
Michael J. Slifka, P.E.,
Executive Vice President.

Interested parties should respond in writing to the above address. All comments submitted will become part of the public record and will be available for inspection and copying at the U.S. Department of Commerce Central Reference and Records and Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th and Constitution Avenue, Washington, DC 20230.

Dated: August 6, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–20560 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 080596F]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting.

DATES: The meetings are scheduled as follows: Standing and Special Red Drum Scientific and Statistical Committee (SSC), September 4, 1996, 10:00 a.m. to 5:00 p.m.; Standing and Special Reef Fish SSC, September 5, 1996, 8:00 a.m. to 4:00 p.m.

ADDRESSES: The meetings will be held at the Holiday Inn Crown Plaza, 333 Poydras Street, New Orleans, LA 70130; telephone: 504–525–9444.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Wayne Swingle, Executive Director; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: On September 4, beginning at 10:00 a.m., the Red Drum SSC will review an assessment on status of the red drum stock in the Gulf of Mexico. They will also review a report of a Scientific Stock Assessment Panel which will recommend a range of acceptable biological catch (ABC) for the Gulf fishery.

On September 5, beginning at 8:00 a.m. the Reef Fish SSC will review an assessment prepared by LGL Ecological Research Associates, Inc. of Bryan, Texas, of the assessment procedure and data utilized by NMFS in preparing the annual stock assessment for Gulf red snapper. They will also review the comments of NMFS and Council Scientific Stock Assessment Panel on the LGL assessment.

The SSC will develop its recommendations on these two issues for consideration by the Council at its September 9–13, 1996 meeting in New Orleans.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by August 28, 1996.

Dated: August 7, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–20621 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 080596H]

North Pacific Fishery Management Council; Committee Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council's Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI) plan teams will hold meetings the week of August 26, in Seattle, WA.

DATES: The meetings will begin at 1:00 p.m. on August 26, and continue through August 30.

ADDRESSES: The meetings will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Building 4, Room 2079, Seattle, WA,.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Dave Witherell or Jane DiCosimo, telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The agenda for the meetings will include the following subjects.

1. Review available stock assessments and catch statistics and prepare preliminary stock and economic assessment documents for the 1997 groundfish fisheries in the GOA and BSAI.

2. Review proposals for amendments to the groundfish fishery management plans for the GOA and BSAI.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: August 6, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–20542 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 080596G]

North Pacific Fishery Management Council; Committee Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Improved Retention/Improved Utilization Committee (Committee) will meet September 5–6, 1996, in Seattle, WA.

DATES: September 5–6, 1996, beginning at 8:30 a.m. on September 5, and concluding by 5:00 p.m. on September 6.

ADDRESSES: The meeting will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Room 2079, Building 4, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Chris Oliver, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Committee will review comments received on the draft analysis of measures to improve retention and utilization in the groundfish fisheries and prepare recommendations to provide to the Council at their meeting, September 18–22, 1996, in Sitka, Alaska.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: August 6, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–20543 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 080696A]

Permits; Foreign Fishing

In accordance with a memorandum of understanding with the Secretary of State, the National Marine Fisheries Service publishes for public review and comment summaries of applications received by the Secretary of State requesting permits for foreign fishing vessels to operate in the Exclusive

Economic Zone under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq*.). This notice concerns the receipt of an application from the Government of the Russian Federation requesting authorization to conduct a joint venture in the Northwest Atlantic Ocean for Atlantic mackerel. The factory ship ALEKSANDROVSK SAKHALINSKIY is identified as the vessel that will receive Atlantic mackerel from U.S. vessels. Send comments on this application to:

NOAA - National Marine Fisheries Service, Office of Fisheries Conservation and Management, 1315 East-West Highway, Silver Spring, MD 20910;

and/or to one or both of the Regional Fishery Management Councils listed below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906, (617) 231–0422;

David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, DE 19901–6790, (302) 674–2331.

For further information contact Robert A. Dickinson, Office of Fisheries Conservation and Management, (301) 713–2337.

Dated: August 7, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–20620 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 060696C]

Marine Mammals; Permit No. 841 (P129J)

AGENCY: National Marine Fisheries Service, (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Scientific research permit amendment.

SUMMARY: Notice is hereby given that a request for amendment of Permit No. 841 submitted by Bruce R. Mate, Oregon State University, Newport, Oregon 97365–5296 has been granted to tag an additional 50 blue whales over the next 3 years.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, NOAA, 1315 East-West Hwy., Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310/980–4015); and

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (907/586–7221).

SUPPLEMENTARY INFORMATION: On March 22, 1996, notice was published in the Federal Register (61 FR 11809) that a amendment of Permit No. 841 issued on June 24, 1993, had been requested by the above-named individual. The amendment has been granted under authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq*.), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq*.), and the regulations governing endangered fish and wildlife (50 CFR part 217–222).

Issuance of this Permit, as required by the ESA of 1973, is based on a finding that the Permit: (1) Was applied for in good faith; (2) does not operate to the disadvantage of the endangered species which is the subject of this Permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA of 1973.

Dated: June 28, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources.

[FR Doc. 96–20619 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–22–F

National Technical Information Service

Advisory Board Meeting

AGENCY: National Technical Information Service, Technology Administration, U.S. Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Technical Information Service Advisory Board (the ''Board'') will meet on Monday, September 9, 1996, from 9:00 a.m. to 3:00 p.m., and on Tuesday, September 10, 1996, from 9:00 a.m. to 3:00 p.m. The session on Tuesday, September 10, will be closed to the Public.

The Board was established under the authority of 15 U.S.C. 3704b(c), and was Chartered on September 15, 1989. The Board is composed of five members appointed by the Secretary of Commerce who are eminent in such fields as information resources management, information technology, and library and information services. The purpose of the meeting is to review and make recommendations regarding general policies and operations of NTIS, including policies in connection with fees and charges for its services. The agenda will include a progress report on NTIS activities, an update on the progress of FedWorld, and a discussion of NTIS' long range plans. The closed session discussion is scheduled to begin at 9:00 a.m. and end at 3:00 p.m. on September 10, 1996. The session will be closed because premature disclosure of the information to be discussed would be likely to significantly frustrate implementation of NTIS' business plans.

DATES: The meeting will convene on September 9, at 9:00 a.m. and adjourn at 3:00 p.m. and convene again on September 10, 1996, at 9:00 a.m. and adjourn at 3:00 p.m.

ADDRESSES: The meeting will be held in Room 2029 Sills Building, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

PUBLIC PARTICIPATION: The meeting will be open to public participation on September 9, 1996, and closed on September 10, 1996. Approximately thirty minutes will be set aside on September 9, 1996 for comments or questions from the public. Seats will be available for the public and for the media on a first-come, first-served basis. Any member of the public may submit written comments concerning the Board's affairs at any time. Copies of the minutes of the open session meeting will be available within thirty days of the meeting from the address given below.

FOR FURTHER INFORMATION CONTACT: Linda Lucas, NTIS Advisory Board Secretary, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 Telephone: (703) 487–4636; Fax (703) 487–4093.

Dated: August 7, 1996.

Donald W. Corrigan,

Deputy Director.

[FR Doc. 96–20567 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–04–M

Patent and Trademark Office

Patent Cooperation Treaty; Proposed Collection; Comment Request

SUMMARY: The Department of Commerce (DOC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this

opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before October 15, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robert J. Spar, Patent and Trademark Office (PTO), Washington, DC 20231, and (703)305–9285.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collection is necessary to process international patent applications filed under the Patent Cooperation Treaty. The affected public includes any individual or institution that files or prosecutes an international patent application.

II. Method of Collection

By mail, facsimile or hand-carry when the applicant or agent files an international patent application with the Patent and Trademark Office (PTO) or submits subsequent papers during the prosecution of the international application to the PTO or International Bureau of the World Intellectual Property Organization.

III. Data

OMB Number: 0651–0021.

Form Numbers: PCT/RO/101/134/144, PTO–1382, PCT/IPEA/401, PCT/IB/328, PCT/Model of power of attorney, PCT/Model of general power of attorney.

Type of Review: Reinstatement with change.

Affected Public: Individuals or households, business or other non-profit institutions, not-for-profit institutions and Federal Government.

Estimated Number of Respondents: 15,800.

Estimated Time Per Response: .25 hours to approximately 3 hours.

Estimated Total Annual Respondent Burden Hours: 58,910.

Estimated Total Annual Respondent Cost Burden: $2,176,276.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 7, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–20527 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–16–P

Technology Administration

National Medal of Technology

ACTION: Proposed Collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before October 15, 1996.

ADDRESSES: Direct written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Katie Wolf, National Medal of Technology, Technology Administration, Room 4823 Department of Commerce, Washington, DC 20230, 202/482–3953 phone, and 202/482–6184 fax.

SUPPLEMENTAL INFORMATION:

I. Abstract

This is a renewal of a currently approved submission by the U.S. Department of Commerce's Technology Administration. The nominating forms associated with this annual Presidential Medal contain information that is necessary in order to select no more than 12 of the Nation's outstanding contributors to the promotion of technology for the improvement of this country's competitiveness.

II. Method of Collection

Nomination forms are made available for wide public distribution. Individuals and/or companies voluntarily complete the forms and submit them to the Department of Commerce, Technology Administration by mail.

III. Data.

OMB Number: 0692–0001.

Form Number: None.

Type of Review: Regular submission for a renewal.

Affected Public: Individuals, businesses, non-profit institutions, Federal agencies or employees and small businesses or organizations.

Estimated Number of Respondents: 125.

Estimated Time Per Response: 3 hours.

Estimated Total Annual Cost: $15,000.

IV. Requests for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: Auugust 7, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–20630 Filed 8–12–96; 8:45 am]

BILLING CODE 3510–18–P

COMMODITY FUTURES TRADING COMMISSION

Notice of Intent to Renew Information Collection #3038–0043—Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions; Public Information Collection Requirement

AGENCY: Commodity Futures Trading Commission.

SUMMARY: The Commodity Futures Trading Commission is planning to renew information collection 3038–0043, Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions under the Paperwork Reduction Act of 1980, Public Law 96–511 as amended. The information collected pursuant to Commission rules provides a basis for determining if a registered futures association provides fair and orderly procedures for membership and disciplinary actions.

ADDRESSES: Persons wishing to comment on this information collection should contact Jeff Hill, Office of Management and Budget, Room 3228, NEOB, Washington, DC 20502, (202) 395–7340.

Title: Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions.

Control Number: 3038–0043.

Action: Extension.

Respondents: Registered Futures Associations and Individuals.

Estimated Annual Burden: 455.5 total hours.

Respondents	Regulation (17 CFR)	Estimated number of respondents	Annual responses	Est. avg. hours per response
Individuals and Registered Futures Associations	1.71	103	199	2.28

Issued in Washington, DC on August 7, 1996.

Catherine D. Dixon,

Assistant to the Secretary of the Commission.

[FR Doc. 96–20634 Filed 8–12–96; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Proposed Information Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs.

ACTION: Notice.

In compliance with Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed revision of a previously approved public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated data collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received October 15, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Commander, Naval Health Research Center, Box 85122, San Diego, CA 92186–5122.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed collection or to obtain a copy of the proposal and the associated collection instruments, please write to the above address or call Commander Greg Gray, M.C., U.S.N. at (619) 553–9967.

TITLE, ASSOCIATED FORM, AND OMB NUMBER: Epidemiologic Studies or Morbidity Among Gulf War Veterans: A search for Etiologic Agents and Risk Factors; OMB Number 0720–0010.

NEEDS AND USES: This information collection requirement is necessary to obtain and provide the Department of Defense with information to evaluate whether military veterans have a greater risk of adverse reproductive outcomes associated with overseas deployments or occupational and environmental exposures. Specifically, the study focuses on early pregnancy losses, infertility, delayed conception and miscarriages. Information from this study may assist the DoD and the Department of Veterans Affairs and the U.S. Environmental Protection Agency in evaluating adverse reproductive outcomes and the effects of various environmental exposures as well as subsequently help define reproductive health policy.

Affected Public: Individuals or households.

Annual Burden Hours: 2,070.

Number of Respondents: 9,000.

Responses Per Respondent: 1.05 responses per respondent.

Average Burden Per Response: 22 minutes.

Frequency: One time and follow-up.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The information is being collected as part of a research program dictated under Public Law 103–337 SEC722, which directs the Secretary of Defense to conduct and administer grants for studies in order to determine the nature and cause of illnesses as a consequence of service deployment in overseas operations. This collection instrument is for use by researchers from the Departments of Defense, Veterans Affairs, the Center for Disease Control and Prevention, the US Environmental Protection Agency, and the University of California. Respondents are current and former military personnel from all branches of the military including reservists and members of the National Guard. This survey instrument will provide the above agencies with information on the prevalence of any possible adverse reproductive outcomes

associated with military service in overseas operations.

Dated: August 7, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 96–20528 Filed 8–12–96; 8:45 am]

BILLING CODE 5000–04–M

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on September 3, 1996; September 10, 1996; September 17, 1996; and September 24, 1996, at 10:00 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: August 8, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–20635 Filed 8–12–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Deep Attack Weapons Mix Study (DAWMS)

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Deep Attack Weapons Mix Study (DAWMS) will meet in closed session on September 4–5, 1996 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will develop an independent assessment of the analytic tools and models employed in the DoD internal DAWMS effort. Specifically, the Task Force will (1) assess the analysis developed in part one of the study, (2) evaluate the soundness of the analytic approach proposed for part two, and (3) review the alternatives—developed in part two to ensure that they are balanced and representative.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1994), and that accordingly this meeting will be closed to the public.

Dated: August 8, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–20636 Filed 8–12–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Anti-Personnel Landmine Alternatives, Landmine Detection and Demining, and Unexploded Ordnance (UXO) Clearance Operations

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Anti-Personnel Landmine Alternatives, Landmine Detection and Demining, and Unexploded Ordnance (UXO) Clearance Operations, Phase I will meet in closed session on September 11–12, 1996 at Strategic Analysis, Inc., Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine U.S. landmine, landmine detection and demining efforts, and alternatives to anti-personnel landmines. It will also examine UXO remediation, active range UXO clearance, and explosive ordnance disposal (EOD) efforts. It will include in this examination, the relationship between the UXO/EOD detection/characterization/clearance and neutralization issues and landmine detection/neutralization issues. In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly this meeting will be closed to the public.

Dated: August 8, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–20637 Filed 8–12–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Advisory Committee on Women in the Services (DACOWITS); Notice of Meeting

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the meeting is to review the current status of recommendations and requests for information generated at the 1996 DACOWITS Spring Conference, discuss other issues relevant to women in the Services and conduct business internal to the Committee. All meeting sessions will be open to the public.

DATES: September 9, 1996, 8:30 a.m.–4:00 p.m.

ADDRESSES: SecDef Conference Room 3E869, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Commander Tala Welch, USN, Office of DACOWITS and Military Women Matters, OASD (Force Management Policy) The Pentagon, Room 3D769, Washington, DC 20301–4000, Telephone (703) 697–2122.

Dated: August 7, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–20595 Filed 8–12–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

Alaska Power Administration

Extension

AGENCY: Alaska Power Administration, DOE.

SUMMARY: Alaska Power Administration (APA) is extending the comment period nine (9) days on its proposal to adjust the rates for the Eklutna Project in the Federal Register on May 16, 1996. APA is also revising the effective date of the rate proposal from September 1, 1996 to October 1, 1996. The May 16, 1996 Federal Register Notice requested a rate

change from 18.7 mills per kilowatt-hour fro firm energy and 10 mills per kilowatt-hour for non-firm energy to 8.8 mills per kilowatt-hour for both firm and nonfirm energy.

DATES: To be considered, comments and other input in response to the Federal Register notice published on May 16, 1996, need to be received by the Alaska Power Administration by close of business on August 23, 1996.

ADDRESSES: Written comments should be submitted to Mr. Nicki J. French, Assistant Administrator, Alaska Power Administration, 2770 Sherwood Lane, Suite 2B, Juneau, Alaska 99801.

FOR FURTHER INFORMATION CONTACT: Mr. James W. Davenport, Public Utilities Specialist, Alaska Power Administration, 2770 Sherwood Lane, Suite 2B, Juneau, Alaska 99801.

Issued in Washington, DC August 2, 1996.

Rodney Adelman,

Administrator.

[FR Doc. 96–20570 Filed 8–12–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

Notice of Application Filed With the Commission

August 7, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Application to grant an easement to Morrison Cove Limited Liability Corporation to construct a private residential marina.

b. Project Name and No: Catawba-Wateree Project, FERC Project No. 2232–329.

c. Date Filed: July 3, 1996.

d. Applicant: Duke Power Company.

e. Location: Iredell County, North Carolina, Morrison Cove Subdivision on Lake Norman in Mooresville.

f. Filed pursuant to: Federal Power Act, 16 U.S.C. § 791(a)-825(r).

g. Applicant Contact; Mr. E.M. Oakley, Duke Power Company, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006, (704) 382–5778.

h. FERC Contact: Brian Romanek, (202) 219–3076.

i. Comment Date: September 30, 1996.

j. Description of the filing: Application to grant an easement of 1.35 acres of project land to Morrison Cove Limited Liability Corporation to dredge an approximately 40,000 square foot area (excavating about 4,000 cubic yards of sediment) and construct a private residential marina consisting of 52 floating boat slips. The proposed marina would provide access to the reservoir for residents of the Morrison Cove Subdivision. The proposed marina facility would consist of an access ramp and a floating slip facility. The slips would be anchored by using self-driving piles.

k. This notice also consists of the following standard paragraphs: B, C1, D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20554 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Application Filed With the Commission

August 7, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Application to grant an easement to Pinnacle Shores Homeowners Association to construct a private residential marina.

b. Project Name and No: Catawba-Wateree Project, FERC Project No. 2232–330.

c. Date Filed: July 3, 1996.

d. Applicant: Duke Power Company.

e. Location: Iredell County, North Carolina, Pinnacle Shores Subdivision on Lake Norman near Mooresville.

f. Filed pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

g. Applicant Contact: Mr. E.M. Oakley, Duke Power Company, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006, (704) 382–5778.

h. FERC Contact: Brian Romanek, (202) 219–3076.

i. Comment Date: September 20, 1996.

j. Description of the filing: Application to grant an easement of 0.60 acre of project land to Pinnacle Shores Homeowners Association to construct a private residential marina consisting of 30 floating boat slips. The proposed marina would provide access to the reservoir for residents of Pinnacle Shores Subdivision. The proposed marina facility would consist of an access ramp and a floating slip facility. The slips would be anchored by using self-driving piles.

k. This notice also consists of the following standard paragraphs: B, C1, D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as

applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it would be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20555 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Application Filed With the Commission

August 7, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Amendment of license.

b. Project No.: 4515–014.

c. Date Filed: June 27, 1996.

d. Applicant: E. R. Jacobson.

e. Name of Project: Jacobson Hydro No. 1.

f. Location: On the Colorado River in Mesa County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791–(a)–825(r).

h. Applicant Contact: E. R. Jacobson, Hydro-West, Inc., P.O. Box 745, Telluride, CO 81435, (970) 728–6298.

i. FERC Contact: Regina Saizan, (202) 219–2673.

j. Comment Date: September 23, 1996.

k. Description of Application: The licensee requests the following amendments be made to its license: (1) Move powerhouse next to dam to eliminate bypass reach; (2) reduce installed capacity from 2,500 Kw (5 units) to 999 Kw (3 units); (3) reduce flow through the project turbines; (4) reduce head on project turbines; (5) install pneumatically controlled automatic flashboards instead of fixed flashboards; (6) construct a 3,300-foot-long, 13.2 kv transmission line instead of a 1,400-foot-long, 13.5 kv transmission line; (7) dedicate a right of way or similar property easement to the U.S. Bureau of Reclamation (USBR) for the installation of a fish ladder which is being fully funded by the USBR as partial mitigation for reductions in habitat due to large dam projects below the Jacobson Hydro No. 1 Project on the Colorado River; (8) dedicate up to 100 cubic feet per second of water to the U.S. Fish and Wildlife Service/USBR to be used for the fish ladder, attraction flows, and larval separation in the threatened and endangered fish recovery effort; and (9) eliminate public access so that distractions will be minimized for fish and personnel at the USBR fish ladder installation (at the request of the USFWS).

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20556 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–325–000]

Mississippi River Transmission Corporation; Notice of Section 4 Filing

August 7, 1996.

Take notice that on August 1, 1996, Mississippi River Transmission Corporation (MRT) tendered for filing pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering service on the following four discrete gathering facilities; (1) the Mills Ranch System in Wheeler County, Texas, (2) the Little Washita System in Grady County, Oklahoma, (3) the North Reydon System in Roger Mills County, Oklahoma, and (4) the Southwest New Liberty System in Beckham County, Oklahoma.[1]

MRT asserts that these facilities are no longer integral to its operation in the post-restructuring environment and that MRT has no firm shippers utilizing the gathering systems. MRT states that these facilities will be abandoned by sale to NorAm Field Corp. MRT requests that the effective date of the termination of service be September 1, 1996.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later than August 13, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20558 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–M

[1] MRT received authorization to abandon these facilities in Docket No. CP95–376–000. See Mississippi River Transmission Corp., 75 FERC ¶ 61,235 (1996).

[Docket No. RP96–321–000]

Williams Natural Gas Company; Notice of Section 4 Filing

August 7, 1996.

Take notice that on July 31, 1996, Williams Natural Gas Company (Williams) tendered for filing, pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering service presently being provided by Williams in the Kansas Hugoton gathering area.[1] Williams states that the facilities used to perform such service are being abandoned by sale and transfer to Williams Gas Processing-Kansas Hugoton Company, an affiliated company.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later than August 12, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20557 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2568–000, et al.]

Entergy Services, Inc., et al. Electric Rate and Corporate Regulation Filings

August 6, 1996.

Take notice that the following filings have been made with the Commission:

1. Entergy Services, Inc.

[Docket No. ER96–2568–000]

Take notice that on July 30, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Gulf States, Inc., tendered for filing an amendment to Rate Schedule WP–SRG&T to the Agreement for Special Requirements Wholesale Electric Service between Sam Rayburn G&T Electric Cooperative, Inc. and Energy Gulf States, Inc. (FERC Rate Sch. 162). Entergy Services requests waiver of the notice requirements to permit an effective date of August 1, 1996.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Kentucky Utilities Company

[Docket No. ER96–2569–000]

Take notice that on July 29, 1996, Kentucky Utilities Company (KU), tendered for filing, service agreements between KU and Calpine Power Services Company, Illinova Power Marketing, Louisville Gas and Electric, and Electric Clearinghouse, Inc. under its TS Tariff.

KU requests an effective date of July 2, 1996 for Calpine Power Services Company, July 8, 1996 for Illinova Power Marketing, July 19, 1996 for Louisville Gas and Electric, and July 22, 1996 for Electric Clearinghouse, Inc.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Atlantic City Electric Company

[Docket No. ER96–2570–000]

Take notice that on July 30, 1996, Atlantic City Electric Company (ACE), tendered for filing an executed service agreement under which ACE will provide capacity and energy to PanEnergy Power Services, Inc. (PanEnergy) in accordance with the ACE wholesale power sales tariff. ACE also tendered for filing unexecuted service agreements for service to Sonat Power Marketing (Sonat) and to Dupont Power Marketing (Dupont) in accordance with the tariff.

ACE states that a copy of the filing has been served on PanEnergy, Sonat and DuPont.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Delmarva Power & Light Company

[Docket No. ER96–2571–000]

Take notice that on July 30, 1996, Delmarva Power & Light Company (Delmarva), tendered for filing a market-based rate sales tariff. Market-based rates would not apply whenever due to the requirements of an existing contract with Delmarva, the customer is not permitted to purchase power from another supplier. Delmarva asks the Commission for an effective date for the MR Tariff of September 29, 1996.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Cheyenne Light, Fuel and Power Company, Public Service Co. of Colorado and Southwestern Public Service Company

[Docket No. ER96–2572–000]

Take notice that on July 29, 1996, Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company, tendered for filing a joint open access transmission tariff.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Company Services, Inc.

[Docket No. ER96–2573–000]

Take notice that on July 30, 1996, Southern Company Services, Inc., acting on behalf of Georgia Power Company filed a Service Agreement by and among itself, as agent for Georgia Power Company, Georgia Power Company and the City of Hampton, Georgia pursuant to which Georgia Power will make wholesale power sales to the City of Hampton for a term in excess of one (1) year.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Non-Replacement Energy Agreement between PJM Companies and Citizens Lehman Power Sales

[Docket No. ER96–2574–000]

Take notice that on July 30, 1996, the Pennsylvania-New Jersey-Maryland (PJM) Interconnection Association filed, on behalf of the signatories to the PJM Agreement, a Non-Replacement Energy Agreement between Citizens Lehman Power Sales and Public Service Electric and Gas Company, PECO Energy Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power and Light Company, Potomac Electric Power Company, Atlantic City Electric Company, and Delmarva Power & Light Company. The PJM Companies request an effective date of August 26, 1996.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Service Company

[Docket No. ER96–2576–000]

Take notice that on July 31, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, on behalf of The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company and Public Service

[1] Williams received authorization to abandon these facilities in Docket No. CP95–11–000. See Williams Natural Gas Co., 71 FERC ¶ 61,115 (1995), *Order on Abandonment and Reh'g*, 75 FERC ¶ 61,036 (1996), and *Order on Compliance Filing and Reh'g*, 76 FERC ¶ 61,100 (1996).

Company of New Hampshire (together, the NU System Companies) an amendment to the Capacity Agreement previously filed by NUSCO.

NUSCO requests that the proposed rate schedule changes be permitted to become effective August 1, 1996. NUSCO states that a copy of the filing has been mailed or delivered to the affected parties.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. PECO Energy Company

[Docket No. ER96–2578–000]

Take notice that on July 31, 1996, PECO Energy Company (PECO), filed a Service Agreement dated July 6, 1996, with PanEnergy Power Services, Inc. (PANENERGY) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds PANENERGY as a customer under the Tariff.

PECO requests an effective date of July 6, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to PANENERGY and to the Pennsylvania Public Utility Commission.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Electric and Gas Company

[Docket No. ER96–2579–000]

Take notice that on July 31, 1996, Public Service Electric and Gas Company (PSE&G), tendered for filing agreements to provide non-firm transmission service to Federal Energy Sales, Inc., and Citizens Lehman Power Sales pursuant to PSE&G's Open Access Transmission Tariff presently on file with the Commission in Docket No. OA96–80–000.

PSE&G further requests waiver of the Commission's Regulations such that the agreements can be made effective as of July 31, 1996.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. NUI Energy Brokers, Inc.

[Docket No. ER96–2580–000]

Take notice that on July 31, 1996, NUI Energy Brokers, Inc. (NUI Energy Brokers), tendered for filing, pursuant to Rule 205, 385.205, an application for authorization to make wholesale sales of electric power in interstate commerce at market-based rates; a request that the Commission accept and approve NUI Energy Brokers' Electric Rate Schedule FERC No. 1, to be effective on the earlier of the date of the Commission's order in this proceeding or September 30, 1996; and for such waivers and authorizations as have been customarily been granted to other power marketers, with the clarifications noted in its application.

NUI Energy Brokers is a corporation organized under the State of Delaware and has its principal place of business in Bedminister, New Jersey. NUI Energy Brokers is a wholly owned subsidiary of Essel Corporation which in turn is a wholly owned subsidiary of NUI Corporation, a publicly traded corporation which owns natural gas distribution facilities in six states. Neither NUI Energy Brokers, nor its affiliates, own, operate, or control any electric generation, transmission, or distribution facilities. Furthermore, neither NUI Energy Brokers, nor its affiliates, hold a franchise for the transmission, distribution, or sale of electric power, or own or control any other barriers to entry to the electric power market.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Southern California Edison Company

[Docket No. ER96–2581–000]

Take notice that on July 31, 1996, Southern California Edison Company (Edison), tendered for filing the following Supplemental Agreement (Supplemental Agreement) to the 1990 Integrated Operation Agreement between the City of Banning (Banning) and Edison, FERC Rate Schedule No. 248:

Supplemental Agreement For The Integration Of Non-Firm Energy From A Portion Of Banning's Entitlement In San Juan Unit 3 Between Southern California Edison Company And City Of Banning

The Supplemental Agreement sets forth the terms and conditions by which Edison will integrate Banning's remaining entitlement to energy from San Juan Unit 3 as a source of Non-Firm Energy until Banning's remaining entitlement in San Juan Unit 3 is integrated as a City Capacity Resource in accordance with the terms of the 1990 IOA. Edison is requesting waiver of the 60-day prior notice requirement, and requests that the Commission assign to the Supplemental Agreement an effective date of August 1, 1996.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Public Service Company of Colorado

[Docket No. ER96–2582–000]

Take notice that on July 31, 1996, Public Service Company of Colorado (Public Service), tendered for filing an Amended Power Purchase Agreement between Public Service Company of Colorado and UtiliCorp United Inc. (WestPlains Energy). The Amended Power Purchase Agreement is intended to amend and supersede in its entirety the Power Purchase Agreement between the two parties signed February 21, 1992 designated as Public Service Rate Schedule FERC No. 59. Public Service requests that this filing be made effective as of August 1, 1996.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Hubbard Power & Light, Inc.

[Docket No. ER96–2583–000]

Take notice that on July 31, 1996, Hubbard Power & Light, Inc. (HPL) applied to the Commission for acceptance of HPL Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates, and the waiver of certain Commission regulations.

HPL intends to engage in wholesale electric power and energy purchases and sales as a marketer. HPL is an exempt wholesale generator and a qualifying facility under PURPA.

Comment date: August 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20577 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EL96–66–000, et al.]

Graham County Electric Cooperative Inc., et al.; Electric Rate and Corporate Regulation Filings

August 2, 1996.

Take notice that the following filings have been made with the Commission:

1. Graham County Electric Cooperative, Inc.

[Docket No. EL96–66–000]

Take notice that on July 17, 1996, Graham County Electric Cooperative, Inc. tendered for filing a request for waiver from the Commission's general regulatory requirements for public utilities.

Comment date: August 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. IES Utilities Inc., Interstate Power Company, Wisconsin Power & Light Company, South Beloit Water, Gas & Electric Company, Heartland Energy Services, Industrial Energy Applications, Inc.

[Docket No. EC96–13–000]

Take notice that on July 29, 1996, IES Utilities Inc. (IES), Interstate Power Company (IPC), Wisconsin Power & Light Company (WPL), South Beloit Water, Gas & Electric Company (South Beloit), Heartland Energy Services (HES) and Industrial Energy Applications, Inc. (IEA) (collectively, the Applicants) submitted for filing pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations, a Supplement to their Joint Application for Authorization and Approval of Merger.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Pennsylvania Power & Light Company

[Docket Nos. EL96–65–000 and QF85–720–004]

Take notice that on July 16, 1996, Pennsylvania Power & Light Company filed a Motion for Revocation of Schuylkill Energy Resources, Inc.'s Certification as a Qualifying Cogeneration Facility pursuant to 18 CFR 292.207(d) and 385.212.

Comment date: August 26, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Trigen-National Energy Co.

[Docket Nos. EL96–67–000 and QF84–326–002]

Take notice that on July 23, 1996, Trigen-National Energy Company tendered for filing a petition for a declaratory ruling pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure.

Comment date: August 26, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Cuero Hydroelectric, Inc. v. The City of Cuero

[Docket No. EL96–68–000]

Take notice that on July 19, 1996, Cuero Hydroelectric Inc. tendered for filing a Petition for Declaratory Order, Petition for Commission Enforcement, and Complaint Against the City of Cuero.

Comment date: August 19, 1996, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall be due on or before August 19, 1996.

6. Lambda Energy Marketing Company

[Docket No. ER94–1672–007]

Take notice that Lambda Energy Marketing Company (Lambda) on July 26, 1996, tendered for filing, pursuant to Section 35.16 and 131.51 of the Commission's Regulations, a Notice of Succession to the rate schedules and supplements heretofore file with the Commission by Imprimis Corporation, effective August 1, 1996.

Comment date: August 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of New Mexico

[Docket No. ER96–1462–001]

Take notice that on July 15, 1996, Public Service Company of New Mexico tendered for filing its compliance filing in the above-referenced docket.

Comment date: August 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. MidAmerican Energy Company

[Docket No. ER96–1501–000]

Take notice that on July 15, 1996, MidAmerican Energy Company (MidAmerican), tendered for filing an amendment to its initial filing in the above-referenced docket. In the amendment, MidAmerican requests acceptance of the filing at market-based rates for existing generation. Alternatively, MidAmerican requests acceptance of the filing as cost-supported. Comment date: August 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Massachusetts Electric Company

[Docket No. ER96–2034–000]

Take notice that on July 12, 1996, Massachusetts Electric Company filed an amendment to its original filing in this docket. The amendment responds to a Commission staff request in regard to the Beachmont station service contract with the Massachusetts Bay Transportation Authority.

Comment date: August 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Peabody POWERTRADE, Inc.

[Docket No. ER96–2556–000]

Take notice that on July 29, 1996, Peabody POWERTRADE, Inc. (POWERTRADE) petitioned the Commission for acceptance of POWERTRADE Rate Schedule FERC No. 1, the granting of certain blanket approvals, including the authority to sell electricity at market-based rates, and the waiver of certain Commission Regulations. POWERTRADE is a subsidiary of Peabody COALSALES Company, a holding company incorporated in Delaware and headquartered in St. Louis, Missouri.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Cleveland Electric Illuminating Company

[Docket No. ER96–2357–000]

Take notice that on July 9, 1996, Cleveland Electric Illuminating Company tendered for filing a letter withdrawing its open access transmission tariffs filed in Docket No. ER95–1104–000 on February 29, 1996.

Comment date: August 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Louisville Gas and Electric Company

[Docket No. ER96–2558–000]

Take notice that on July 25, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a copy of a Non-Firm Transmission Agreement between Louisville Gas and Electric Company and PanEnergy Power Services, Inc. under Rate TS.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Louisville Gas and Electric Company

[Docket No. ER96–2559–000]

Take notice that on July 25, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a Purchase and Sales Agreement between LG&E and Dayton Power and Light Company under Rate Schedule GSS—Generation Sales Service.

A copy of the filing has been mailed to the Kentucky Public Service Commission.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. IES Utilities Inc., Interstate Power Company, Wisconsin Power & Light Co., Interstate Services, Inc.

[Docket No. ER96–2560–000]

Take notice that on July 29, 1996, Pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, IES Utilities Inc. (IES), Interstate Power Company (IPC), Wisconsin Power & Light Company (WPL) (collectively, the Applicants), submitted for filing a System Coordination and Operating Agreement (Coordination Agreement) among IES, IPC, WPL and Interstate Services, Inc. (Services), that is being filed in connection with their merger as described in the Joint Application for Authorization and Approval of Merger, as supplemented, filed in Docket No. EC96–13–000.

The Coordination Agreement is the agreement that will govern the combined operations of the Interstate Operating Companies upon consummation of the merger transactions that will establish them as subsidiaries of Interstate Energy Corporation (Interstate Energy). The Applicants request that the Commission waive the 120-day notice requirement contained in 35.3 of the Commission's Regulations to allow the tariff to be accepted for filing and put into effect on the date that the merger transactions are consummated.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Washington Water Power Company

[Docket No. ER96–2561–000]

Take notice that on July 29, 1996, Washington Water Power Company, tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a signed service agreement under FERC Electric Tariff Volume No. 4 with Pacific Northwest Generating Cooperative previously approved as an unsigned service agreement.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Houston Lighting & Power Company

Docket No. ER96–2562–000

Take notice that on July 29, 1996, Houston Lighting & Power Company (HL&P), tendered for filing an executed transmission service agreement (TSA) with Sonat Power Marketing, Inc. (Sonat) for Economy Energy Transmission Service under HL&P's FERC Electric Tariff, Original Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnections. HL&P has requested an effective date of July 22, 1996.

Copies of the filing were served on Sonat and the Public Utility Commission of Texas.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Logan Generating Company, L.P.

[Docket No. ER96–2563–000]

Take notice that on July 29, 1996, Logan Generating Company, L.P. (Logan), tendered for filing with the Federal Energy Regulatory Commission, pursuant to Section 205 of the Federal Power Act and 35.13(b), 18 CFR 35.13(b) of the Commission's Regulations Supplement No. 1 to Logan's Rate Schedule FERC No. 2.

Under Rate Schedule FERC No. 2, Logan has blanket authority to sell energy and capacity from its approximately 235 MW electric generation facility located in Logan Township, New Jersey. Supplement No. 1 amends Rate Schedule FERC No. 2 to permit Logan to sell energy and capacity to its affiliates that are not public utilities with franchised service territories.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Louisville Gas and Electric Company

[Docket No. ER96–2564–000]

Take notice that on July 29, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a copy of a Non-Firm Transmission Agreement between Louisville Gas and Electric Company and Dayton Power and Light Company under Rate TS.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Wisconsin Public Service Corporation

[Docket No. ER96–2565–000]

Take notice that on July 29, 1996, Wisconsin Public Service Corporation, tendered for filing an executed service agreement with Montana Power Company, VTEC Energy, Inc., and United Power Association under its CS–1 Coordination Sales Tariff.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. PacifiCorp

[Docket No. ER96–2567–000]

Take notice that on July 30, 1996, PacifiCorp, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Revision No. 2 to Appendix A of the Transmission Service and Operating Agreement (Agreement) between PacifiCorp and Utah Associated Municipal Power Systems (UAMPS).

PacifiCorp requests that a waiver of prior notice be granted and that an effective date of August 1, 1996 be assigned to Revision No. 2 to Appendix A to the Agreement.

Copies of this filing were supplied to UAMPS, the Public Utility Commission of Oregon and the Washington Utilities and Transportation Commission.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Idaho Power Company

[Docket No. OA96–218–000]

Take notice that on July 29, 1996, Idaho Power Company (IPCo) tendered for filing an informational filing with regard to the Agreement for Supply of Power and Energy between IPCo and the City of Weiser.

Comment date: August 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Louisville Gas and Electric Company

[Docket No. ER96–2557–000]

Take notice that on July 29, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a Purchase and Sales Agreement between LG&E and Western Power Services, Inc. under Rate Schedule GSS—Generation Sales Service.

A copy of the filing has been mailed to the Kentucky Public Service Commission.

Comment date: August 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211

and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20559 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–492–000, et al.]

CNG Transmission Corporation, et al.; Natural Gas Certificate Filings

August 7, 1996.

Take notice that the following filings have been made with the Commission:

1. CNG Transmission Corporation

[Docket No. CP96–492–000]

Take notice that on May 6, 1996, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP96–492–000, an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Federal Energy Regulatory Commission's Regulations for a certificate of public convenience and necessity authorizing CNG to lease, construct and operate facilities for storage and transmission of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

CNG seeks authorization to construct and operate the following natural gas pipeline and storage facilities:

(1) Approximately 15.1 miles of 24-inch pipeline loop in Wetzel County, West Virginia;

(2) approximately 20.4 miles of 24-inch pipeline in Steuben County, New York;

(3) upgrade CNG's existing 30-inch PL–1 pipeline to permit operation of the line at a maximum design allowable operating pressure of 1,250 psig;

(4) a 4,000 horsepower addition to CNG's existing Chambersburg Compressor Station in Franklin County, Pennsylvania;

(5) a new 9,600 horsepower compressor station located in Steuben County, New York;

(6) a measurement and regulation station in Steuben County, New York; and

(7) other appurtenant facilities.

CNG proposes to lease 64,000 Dth of firm transmission capacity from Texas Eastern Transmission Corporation (Texas Eastern) on the CRP pipeline located in southern Pennsylvania and jointly owned by CNG and Texas Eastern. CNG also seeks authorization to lease and operate certain natural gas salt cavern storage facilities located near the town of Bath, New York from Bath Petroleum Storage Inc. CNG says the pipeline and storage facilities are needed to provide up to 168,320 Dth per day of additional storage deliverability and up to 102,820 Dth per day of additional firm transportation service.

Comment date: August 28, 1996, in accordance with Standard Paragraph F at the end of this notice.

2. CNG Transmission Corporation

[Docket No. CP96–493–000]

Take notice that on May 6, 1996, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP96–493–000, an application pursuant to Section 7(c) of the Natural Gas Act (NGA), and part 157 of the Federal Energy Regulatory Commission's Regulations, for a certificate of public convenience and necessity authorizing CNG to construct and operate certain facilities for the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

CNG seeks authorization to construct and operate approximately 14 miles of 16-inch pipeline in Steuben County, New York interconnecting CNG's pipeline system with Avoca Natural Gas Storage, L.P. (Avoca); 4,000 horsepower of compression at a new compressor station to be built adjacent to CNG's existing Greenlick Compressor Station in Potter County, Pennsylvania; and a new metering and regulating station near the town of Avoca, New York. CNG says the facilities are needed to enable Avoca Shippers to have their natural gas transported to and from the Avoca Salt Cavern Project.

Comment date: August 28, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. Texas Eastern Transmission Corporation

[Docket No. CP96–606–000]

Take notice that on June 28, 1996, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310 filed in Docket No. CP96–606–000 an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of Commission's Regulations for a certificate of public convenience and necessity authorizing Texas Eastern to construct and operate pipeline facilities and to lease pipeline capacity to CNG Transmission Corporation (CNG), all as more fully set forth in the application on file with the Commission and open to public inspection.

More specifically, Texas Eastern seeks authorization to construct, own and operate the following pipeline facilities which Texas Eastern says are needed to provide CNG with 64,000 Dth per Day of leased capacity from the interconnection of Texas Eastern's pipeline system with CNG's storage facilities near Oakford, Pennsylvania to the interconnection of Texas Eastern's and CNG's pipeline systems near CNG's Chambersburg Compressor Station:

(1) 4.96 miles of 36-inch pipeline to replace 24-inch idled pipeline on the discharge of the Uniontown Compressor Station from approximate mileposts 1071.64 to 1076.60 in Somerset County, Pennsylvania;

(2) 3.13 miles of 36-inch pipeline to replace 24-inch idled pipeline on the discharge of the Bedford Compressor Station from approximate mileposts 1123.73 to 1126.86 in Fulton County, Pennsylvania; and

(3) other appurtenant pipeline facilities.

Pursuant to a Capacity Lease Agreement between Texas Eastern and CNG for a primary term commencing November 1, 1997 and ending October 31, 2020, and year to year thereafter, Texas Eastern proposes to incrementally lease capacity to CNG in the following phases:

Phase	Commencing	Incremental phase quantity (Dth/d)	Maximum lease quantity(Dth/d)
1	Nov. 1, 1997	24,500	24,500
2	Nov. 1, 1998	10,000	34,500
3	Nov. 1, 1999	10,500	45,000

Phase	Commencing	Incremental phase quantity (Dth/d)	Maximum lease quantity(Dth/d)
4	Nov. 1, 2000	19,000	64,000

Texas Eastern also seeks pregranted abandonment authorization for the proposed leased pipeline capacity upon termination of the Capacity Lease Agreement with CNG.

Comment date: August 28, 1996, in accordance with Standard Paragraph F at the end of this notice.

4. Mississippi River Transmission Corporation

[Docket No. CP96–682–000]

Take notice that on July 30, 1996, Mississippi River Transmission Corporation (MRT), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP96–682–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service provided under MRT's Rate Schedule X–24 for KN Energy, Inc. (KN), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT states that it was authorized by Commission order issued June 18, 1986, in Docket No. CP86–138–000 to transport up to 1,000 Mcf of natural gas per day on an interruptible basis for KN. According to MRT, gas was delivered at the inlet side of its wellhead metering facilities located in Roger Mills County, Oklahoma. MRT states that it redelivered equivalent amounts of natural gas to KN at an existing point of interconnection in the North Reydon Field, Roger Mills County, Oklahoma.

MRT states that the transportation service is no longer required and has been terminated by mutual agreement in a letter dated May 15, 1996. MRT states that no facilities are proposed to be abandoned in connection with the requested authorization.

Comment date: August 28, 1996, in accordance with Standard Paragraph F at the end of this notice.

5. Interenergy Sheffield Processing Company

[Docket No. CP96–684–000]

Take notice that on July 30, 1996, Interenergy Sheffield Processing Company (Interenergy Sheffield), 1700 Broadway, Suite 700, Denver, Colorado 80290, filed an application in Docket No. CP96–684–000, for a Presidential Permit and for authority under Section 3 of the Natural Gas Act to construct, connect, maintain and operate certain natural gas facilities at the border of the United States and Canada for the purpose of importing up to 3300 Mcf per day of solution gas (a mixture of natural gas and natural gas liquids), all as more fully set forth in the application which is on file with the Commission and open to public inspection. Interenergy Sheffield also requests a waiver of the filing requirements of Section 153.8 of the Commission's Regulations.

To effectuate the import, Interenergy Sheffield proposes to construct 1.2 miles of 8-inch pipeline which would connect its existing gathering system in Burke County, North Dakota, with facilities at the Canadian border. Specifically, at the border the proposed pipeline would connect with a new 8-inch pipeline to be constructed in Canada by Interenergy Sheffield Processing Company (Canada) Ltd., and extend 4.5 miles into the Province of Saskatchewan where it would connect with an existing 8-inch gathering line owned and operated by Amoco Canada Resources Ltd. (Amoco), upstream of Amoco's Steelman Gas Processing Plant.

Comment date: August 28, 1996, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–20578 Filed 8–12–96; 8:45 am]

BILLING CODE 6717–01–P

Office of Hearings and Appeals

Notice of Cases Filed During the Week of May 6 Through May 10, 1996

During the Week of May 6 through May 10, 1996, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585–0107.

Dated: August 2, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 6 through May 10, 1996]

Date	Name and location of applicant	Case No.	Type of submission
May 6, 1996	Howard T. Uhal, Aiken, SC	VFA–0160	Appeal of an Information Request Denial. If Granted: The April 2, 1996 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded and Howard T. Uhal would receive access to certain Department of Energy information.
May 8,1996	Association of Public Agency Customers, Portland, OR.	VFA–0162	Appeal of an Information Request Denial. If Granted: The February 27, 1996 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Association of Public Agency Customers would receive access to certain Department of Energy Information.
May 8, 1996	Gilberte R. Brashear, Albuquerque, NM.	VFA–161	Appeal of an Information Request Denial. If Granted: The April 8, 1996 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded and Gilberte R. Brashear would receive access to certain Department of Energy information.
May 9, 1996	C. Lawrence Cornett/META, Inc., Vienna, VA.	VWA–0007 & VWA–0008	Request for Hearing under DOE Contractor Employee Protection Program. If Granted: A hearing under 10 C.F.R. Part 708 would be held on the complaint of C. Lawrence Cornett that reprisals were taken against him by the management officials of META, Inc. as a consequence of his having disclosed safety/health concerns to DOE.
May 9, 1996	Dorothy M. Bell, Amarillo, TX	VFA–0163	Appeal of an Information Request Denial. If Granted: The April 3, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Dorothy M. Bell would receive access to certain DOE information.
May 9, 1996	Todd M. Clark, Bowie, Maryland	VFA–0164	Appeal of an Information Request Denial. If Granted: The April 8, 1996 Freedom of Information Request Denial issued by the Office of Environmental Management would be rescinded, and Todd M. Clark would receive access to certain DOE information.

[FR Doc. 96–20571 Filed 8–12–96; 8:45 am]
BILLING CODE 6450–01–P

Office of Hearing and Appeals

Notice of Cases Filed During the Week of April 29 Through May 3, 1996

During the Week of April 29 through May 3, 1996, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585–0107.

Dated: August 2, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of April 29 through May 3, 1996]

Date	Name and Location of Applicant	Case No.	Type of Submission
4/29/96	Albuquerque Operations Office Albuquerque, New Mexico.	VSO–0095	Request for Hearing under 10 C.F.R. Part 710. IF GRANTED: An individual employed at Albuquerque Operations Office would receive a hearing under 10 C.F.R. Part 710.
4/29/96	Larson Associated, Inc. Richland, Washington.	VFA–0155	Appeal of an Information Request Denial. IF GRANTED: The April 16, 1996 Freedom of Information Request Denial issued by Oak Ridge Operations Office would be rescinded, and Larson Associated, Inc. would receive access to certain DOE information.
4/29/96	Oak Ridge Operations Office Oak Ridge, Tennessee.	VSO–0096	Request for Hearing under 10 C.F.R. Part 710 IF GRANTED: An individual employed at Oak Ridge Operations Office would receive a hearing under 10 C.F.R. Part 710.
4/30/96	Arlene Jolles Lotman Philadelphia, Pennsylvania.	VFA–0156	Appeal of an Information Request Denial. IF GRANTED: The April 1, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Arlene Jolles Lotman would receive access to certain DOE information.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of April 29 through May 3, 1996]

Date	Name and Location of Applicant	Case No.	Type of Submission
4/30/96	Ball, Janik, & Novack Portland, Oregon.	VFA–0159	Appeal of an Information Request Denial. IF GRANTED: The April 17, 1996 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Ball, Janik, & Novack would receive access to certain Department of Energy information.
4/30/96	John J. Mudge Chehalis, Washington.	VFA–0158	Appeal of an Information Request Denial. IF GRANTED: The March 11, 1996 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and John J. Mudge would receive access to material concerning extension of the Option Development Agreement, Contract Number DE–MS79–93BP94163, from its original expiration date of December 31, 1995 and the extended date of March 31, l996.
4/30/96	Stand of Amarillo, Inc. Amarillo, Texas.	VFA–0157	Appeal of an Information Request Denial. IF GRANTED: The March 22, 1996 Freedom of Information Request Denial issued by the DOE Pantex Plant would be rescinded, and Stand of Amarillo, Inc. would receive access to certain DOE information.
5/2/96	Oak Ridge Operations Office Oak Ridge, Tennessee.	VSA–0074	Request for Review of Opinion under 10 C.F.R. Part 710. IF GRANTED: The Opinion of the Office of Hearings and Appeals, Case No. VSO–0074, would be reviewed at the request of an individual employed at Oak Ridge Operations Office.
5/3/96	Oakland Operations Office San Francisco, California.	VSA–0078	Request for Review of Opinion under 10 C.F.R. Part 710. IF GRANTED: The April 25, 1996 Opinion of the Office of Hearings and Appeals, Case Number VSA–0078, would be reviewed at the request of an individual employed at Oakland Operations Office.

[FR Doc. 96–20572 Filed 8–12–96; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 5551–8]

Agency Information Collection Activities

Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces the Office of Management and Budget's (OMB) responses to Agency PRA clearance requests. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT:

Sandy Farmer (202) 260–2740. Please refer to the appropriate EPA ICR Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency PRA Clearance Requests

OMB Approvals

EPA ICR No. 0877.05; Environmental Radiation Ambient Monitoring System (ERAMS); was approved 07/30/96; OMB No. 2060–0015; expires 07/31/99.

EPA ICR No. 1289.04; Wood Preservatives, Regarding Exposure Levels in Wood Treatment Plants; was approved 07/30/96; OMB No. 2070–0081; expires 07/31/99.

EPA ICR No. 1768.01; Collection of Impact Data on Technical Information: Request for Generic Clearance, Design for the Environment (DFE); was approved 07/31/96; OMB No. 2070–0152; expires 07/31/99.

EPA ICR No. 1713.02; Federal Operating Permits Program of the Clean Air Act—Part 71; was approved 07/12/96; OMB No. 2060–0336; expires 07/31/99.

EPA ICR No. 1080.09; National Emission Standards for Hazardous Air Pollutants Benzene Emissions from Benzene Storage Vessels, and Coke By-Product Recovery Plant; was approved 07/12/96; OMB No. 2060–0185; expires 07/31/99.

EPA ICR No. 1737.01; Recordkeeping and Reporting for the Thermoplastics Production NESAP (63, V); was approved 07/17/96; OMB No. 2060–0351; expires 07/31/99.

EPA ICR No. 1779.01; National Primary Drinking Water Regulations: Monitoring Requirements for the Public Drinking Water Supplies; Cryptosporidium, Giardia; Viruses, Disinfection Byproducts, Water Treatment; was approved 07/16/96; OMB No. 2040–0183; expires 07/31/99.

EPA ICR No. 1782.01; Ecosystem Monitoring Survey; was approved 07/29/96; OMB No. 2010–0027; expires 07/31/99.

EPA ICR No. 1442.13; Land Disposal Restriction—Phase III: Decharacterized Wastewaters, Carbamate Wastes, and Spend Aluminum Pottiners Final Rule; was approved 08/04/96; OMB No. 2050–0085; expires 09/30/98.

EPA Withdrawal

EPA ICR No. 1086.04; Standards of Performance for Onshore Natural Gas Processing Plants; was withdrawn by EPA on 07/30/96.

OMB's Extension of Expiration Date

EPA ICR No. 1086.03; NSPS for Onshore Natural Gas Processing Plants/Equipment Leaks of VOC and Emissions of SO_2—Reporting and Recordkeeping for Subparts KKK/LLL; expiration date was extended from 07/31/96 to 10/31/96.

Dated: August 7, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–20588 Filed 8–12–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL 5551–7]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comments.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended, (''Act''), notice is hereby given of a proposed partial consent decree, which was lodged with the United States District Court for the District of Columbia by the United States Environmental Protection Agency (''EPA'') on July 16, 1996, in a lawsuit filed by the Delaware Valley Citizens' Council for Clean Air (''Delaware Valley''). This lawsuit, which was filed pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), concerns, among other things, EPA's alleged failure to meet a mandatory duty to (1) act on certain State implementation plan (''SIP'') submittals pursuant to section 110(k)(3) of the Clean Air Act; (2) to impose sanctions under section 179(a) of the Act; and (3) to promulgate a federal implementation plan pursuant to section 110(c) of the Act. The proposed consent decree provides that EPA shall take action by specific dates with respect to Pennsylvania's 15% and reasonable further progress submissions for Southeastern Pennsylvania and Pennsylvania's inspection and maintenance plan submission.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will establish deadlines for EPA action on certain SIP submittals from the Commonwealth of Pennsylvania.

A copy of the proposed consent decree was lodged with the Clerk of the United States District Court for the Eastern District of Pennsylvania on July 16, 1996. Copies are also available from Jacquie Jordan, Cross-Cutting Issues Division (2322), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–7622. Written comments should be sent to Jan M. Tierney at the address above and must be submitted on or before September 12, 1996.

Dated: July 31, 1996.

Marcia E. Mulkey,

Acting General Counsel.

[FR Doc. 96–20610 Filed 8–12–96; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

August 6, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments by October 15, 1996.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0004.

Title: Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket No. 93–62).

Form No.: N/A.

Type of Review: Revision of existing collection.

Respondents: Not-for-profit institutions/Business or other for-profit/ Small businesses and organizations.

Number of Respondents: 124,441.

Estimated time per response: 1 hour.

Total Annual Burden: 40,301.

Needs and Uses: The National Environmental Policy Act of 1969 (NEPA) requires agencies of the Federal Government to evaluate the effects of their actions on the quality of the human environment. To meet its responsibilities under NEPA, the Commission has adopted revised RF exposure guidelines for evaluating potential environmental effects of RF radiation from FCC-regulated facilities. The new guidelines reflect more recent scientific studies of the biological effects of RF radiation. The use of these guidelines would help ensure that FCC-regulated facilities comply with the latest standards for RF exposure. The adoption of more restrictive RF radiation limits requires the Commission to collect additional environmental information to ensure public and occupational safety. The collections of environmental information required by Section 1.1307 of the rules will be used by the Commission staff to determine whether the environmental evaluation is sufficiently complete and in compliance with the Commission's Rules to be acceptable for filing. The collection of this information is necessary to ensure compliance with NEPA, specifically, to minimize the potential for significant environmental impact from radiofrequency (RF) radiation from FCC-regulated transmitters and facilities.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96–20532 Filed 8–12–96; 8:45 am]

BILLING CODE 6712–01–P

[Report No. 2146]

Petitions for Reconsideration of Action in Rulemaking Proceedings

August 7, 1996.

Petitions for reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these document are available for

viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by August 28, 1996. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendments of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices. (ET Docket No. 95–19).

Number of Petitions Filed: 2.

Subject: Amendment of Part 95 of the Commission's Rules to Allow Interactive Video and Data Service Licensees to Provide Mobile Service to Subscribers. (WT Docket No. 95–47).

Number of Petitions Filed: 2.

Subject: Amendments of Parts 22, 90 and 94 of the Commission's Rules to Permit Routine Use of Signal Boosters. (WT Docket No. 95–70, RM–8200).

Number of Petitions Filed: 1.

Subject:

Amendment of Part 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap. (WT Docket No. 96–59)

Amendment of the Commission's Cellular/PCS Cross-Ownership Rule. (GN Docket No. 90–314)

Number of Petitions Filed: 7.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–20564 Filed 8–12–96; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1129–DR]

Illinois; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA–1129–DR), dated July 25, 1996, and related determinations.

EFFECTIVE DATE: July 25, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 25, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Illinois, resulting from severe storms and flooding on July 17, 1996, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint David Skarosi of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Illinois to have been affected adversely by this declared major disaster:

The counties of Cook, DeKalb, DuPage, Grundy, Kane, Kendall, LaSalle, Ogle, Stephenson, and Will for Individual Assistance, Public Assistance, and Hazard Mitigation; and,

Winnebago County for Individual Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–20593 Filed 8–12–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1128–DR]

Michigan; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA–1128–DR), dated July 23, 1996, and related determinations.

EFFECTIVE DATE: July 23, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 23, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Michigan, resulting from severe storms and flooding on June 21, 1996, through and including July 1, 1996, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Michigan.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas. Individual Assistance may be provided at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Alma Armstrong of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Michigan to have been affected adversely by this declared major disaster:

The counties of Bay, Lapeer, Saginaw, Sanilac, St. Clair, and Tuscola for Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 96–20594 Filed 8–12–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–011437–001.

Title: NSCSA/UASC Agreement.

Parties: National Shipping Company of Saudi Arabia United Arab Shipping Company (S.A.G.).

Synopsis: The proposed amendment deletes Articles 5.10 (b) and (c) regarding the authority to discuss and agree upon rates on a nonbinding voluntary basis.

Agreement No.: 224–200801–002.

Title: Port of San Francisco/ Stevedoring Services of America Non-Exclusive Management Agreement.

Parties: Port of San Francisco (''Port''), Stevedoring Services of America (''SSA'').

Synopsis: The proposed amendment provides for the Port to pay SSA an interim management fee for the period July 1, 1996 through June 30 1997.

Dated: August 7, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–20526 Filed 8–12–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 3, 1996.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. William Pate Shackelford, North Carrollton, Mississippi; to acquire an additional .48 percent, for a total of 25.45 percent of the voting shares of Peoples Commerce Corporation, North Carrollton, Mississippi, and thereby indirectly acquire Peoples Bank & Trust Company, North Carrollton, Mississippi.

Board of Governors of the Federal Reserve System, August 7, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–20549 Filed 8–12–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 27, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Decatur Financial, Inc., Decatur, Indiana; to acquire Independent Bankers Life Insurance Company of Indiana, Phoenix, Arizona, a reinsurance subsidiary, and to thereby engage in underwriting credit life, accident and health insurance directly related to extensions of credit by the banks and bank holding companies owning stock in the insurance agency pursuant to § 225.25(b)(8) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. First Interstate BancSystem of Montana, Inc., Billings, Montana; JS Investments, Limited Partnership, Billings, Montana; and Nbar5, Limited Partnership, Ranchester, Wyoming, to acquire First Interstate Bank of Commerce, FSB, Hamilton, Montana, a *de novo* savings bank, and engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 7, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–20548 Filed 8–12–96; 8:45 am]

BILLING CODE 6210–01–F

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 noon, Monday, August 19, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 9, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–20781 Filed 8–9–96; 3:34 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 071596 AND 072696

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
St. Paul Companies, Inc., The Allstate Corporation, Northbrook Holdings, Inc	96–2242	07/15/96
Hambrecht & Quist Group, Inc., Hambrecht & Quist Group, Hambrecht & Quist Group	96–2284	07/15/96
Institute of the Sisters of Mercy of the Americas–RCSL Southern Oklahoma Healthcare Corporation NEWCO	96–2292	07/15/96
Dames & Moore, Inc., WMX Technologies, Inc., Matrix Engineering, Inc	96–2298	07/15/96
A.H. Belo Corporation, Press–Enterprise Company, Press–Enterprise Company	96–2303	07/15/96
HCIA, Inc., Warburg, Pincus & Co., HealthVISION Corporation	96–2319	07/15/96
Scesaplana Settlement, Mr. Robert Weil, Etonic, Inc	96–2320	07/15/96
Arnold Karmatz, Fay's Incorporated, Fay's Incorporated	96–2321	07/15/96
Pioneer Financial Services, Inc., Washington National Corporation, Washington National Insurance Company	96–2322	07/15/96
U.S. Can Corporation, Irving Rubin, CPI Plastics, Inc./CP Illinois, Inc./CP Ohio, Inc	96–2326	07/15/96
Ricardo J. Cisneros, Robert Weil, Etonic, Inc	96–2328	07/15/96
Compass Group PLC, Lawrence A. Pande, Jr., Professional Food-Service Management, Inc	96–2329	07/15/96
PennCorp Financial Group, Inc., United Companies Financial Corp., United Companies Life Insurance Company	96–2332	07/15/96
Vassilios Sirpolaidis, U.S. Office Products Company, U.S. Office Products Company	96–2333	07/15/96
Guido Maria Barilla S.A.A., Campbell Soup Company, Campbell Soup Company	96–2334	07/15/96
The Clayton & Dubilier Private Equity Fund IV L.P. Robert McMahon City Meat & Provisions Company, Inc., City Meat/Hamilto	96–2335	07/15/96
NRE Holdings, Inc., Stuart P. Ray, Holland Bee-Kay, Inc., Greenville West Bee-Kay, Inc., N	96–2337	07/15/96
Noble Affiliates, Inc., Public Service Enterprise Group Incorporated, Energy Development Corporation	96–2341	07/15/96
Steven L. Volla, Roxborough Memorial Health Foundation, Roxborough Memorial Hospital	96–2342	07/15/96
Precision Castparts Corp., NEWFLO Corporation, NEWFLO Corporation	96–2346	07/15/96
Varied Investments, Inc., Alberto-Culver Company, Alberto-Culver USA, Inc	96–2348	07/15/96
Alcatel Alsthom, Daimler-Benz AG, AAT GmbH	96–2357	07/15/96
HBO & Company, CyCare Systems, Inc., Cycare Systems, Inc	96–1982	07/16/96
Acadia Partners, L.P., Equity Holdings, an Illinois general partnership, CFI Industries, Inc	96–2185	07/16/96
IASD Health Services Corp., South Dakota Medical Service, Inc., South Dakota Medical Service, Inc	96–2287	07/16/96
Richard B. Komen, Thomas H. Lee Equity Partners, L.P., RUI One Corp.	96–2338	07/16/96
Jupiter Partners LP, Core-Mark L.L.C., Core-Mark International, Inc	96–2349	07/16/96
Blackstone TWF Capital Partners L.P., Everett I. Mundy, Tele-Media Company of Hershey, L.P	96–2310	07/17/96
Blackstone TWF Capital Partners L.P., Robert E. Tudek, Tele-Media Company of Hershey, L.P	96–2311	07/17/96
Gulf Polymer and Petrochemical, Inc., BF Goodrich Company, BF Goodrich Company	96–2361	07/19/96
Supreme International Corporation, Munsingwear, Inc., Munsingwear, Inc	96–2362	07/19/96
Palm Harbor Homes, Inc., Newco Homes, Inc., Newco Homes, Inc	96–2363	07/19/96
Equus II Incorporated, Alan and Joann Elenson, Plymouth Mills, Inc	96–2370	07/19/96
Holiday Companies, Gander Mountain, Inc., GRS, Inc	96–2383	07/19/96
Michael F. Price, Franklin Resources, Inc., Franklin Resources, Inc	96–2385	07/19/96
Franklin Resources, Inc., Michael F. Price, Heine Securities Corporation	96–2386	07/19/96
Thomas H. Lee Equity Fund III, L.P., TRW Inc., IS&S Holdings, Inc	96–2392	07/19/96
MindSpring Enterprises, Inc., PSINet Inc., PSINet Inc	96–2393	07/19/96
Ford Motor Company, Fleet Financial Group, Inc., Fleet Financial Group, Inc	96–2403	07/19/96

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 071596 AND 072696—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Republic Industries, Inc., CarChoice, Inc., CarChoice, Inc./BOSC Automotive Realty, Inc	96–2347	07/22/96
Bindley Western Industries, Inc., Irwin M. Schaeffer, P.D.I. Enterprises of Nevada, Inc	96–2402	07/22/96
Assurance Generales de France, The Dun & Bradstreet Corporation, American Credit Indemnity Company	96–2309	07/23/96
Media General, Inc., Estate of Elizabeth Stuart James Grant, Register Publishing Company, Inc	96–2359	07/23/96
The Williams Companies, Inc., ITC mediaConferencing Company, ITC mediaConferencing Company	96–2397	07/23/96
General Electric Company, Ronald O. Perelman, NWC Acquisition Corp. & Net World Television Corp	96–2398	07/23/96
Longhorn Steaks, Inc., Bugaboo Creek Steak House, Inc., Bugaboo Creek Steak House, Inc	96–2408	07/23/96
Edward P. Grace, III, Longhorn Steaks, Inc., Longhorn Steaks, Inc	96–2412	07/23/96
Hendricus Pieter Kruithof, SITEL Corporation, SITEL Corporation...	96–2415	07/23/96
Atlantic Richfield Company, Amoco Corporation, Amoco Production Company	96–2369	07/24/96
Kao Corporation, Microsoft Corporation, CP Acquisition Corp., Inc...	96–2384	07/24/96
Forstmann Little & Co. Equity Partnership-V, L.P., BankAmerica Corporation, River West, L.P., Northeast Medical Center, L.P., Cleve	96–2350	07/25/96
AEP Industries, Inc., Whitehall Associates, L.P., Borden, Inc	96–2436	07/25/96
Whitehall Associates, L.P., AEP Industries, Inc., AEP Industries, Inc	96–2437	07/25/96
Fresenius Aktiengesellschaft, W.R. Grace & Co., W.R. Grace & Co	96–1335	07/26/96
Mr. Alain Merieux, Aquila Biopharmaceuticals, Inc., Cambridge Biotech Corporation	96–2278	07/26/96
Nestle, S.A., Baxter International Inc., Clintec Nutrition Company	96–2376	07/26/96
Baxter International Inc., Baxter International Inc., Clintec Nutrition Company	96–2377	07/26/96
Nestle, S.A. (a Swiss company), Baxter International Inc., Clintec Nutrition Company	96–2378	07/26/96
Bain Capital Fund V, L.P., TRW, Inc., IS&S Holdings, Inc	96–2407	07/26/96
Bain Capital Fund V–B, L.P., TRW, Inc., IS&S Holdings, Inc	96–2409	07/26/96
Henkel KGaA, Unilever N.V., Unilever N.V.	96–2426	07/26/96
Sara Lee Corporation, Mr. Michael Rothbaum, The Harwood Companies, Inc	96–2428	07/26/96
Craig H. Neilsen, Steven W. Rebeil, Gem Gaming, Inc	96–2429	07/26/96
Steven W. Rebeil, Craig H. Neilsen, Ameristar Casinos, Inc	96–2430	07/26/96
Gardner Denver Machinery Inc., Jacques Lepage, Noramptco, Inc	96–2431	07/26/96
Elf Aquitaine (a French company), William Moskoff, Bock Parmacal Company and Highland Packaging Company	96–2433	07/26/96
Elf Aquitaine (a French company), Lawrence Moskoff, Bock Parmacal Company and Highland Packaging Company	96–2434	07/26/96
SCP Pool Corporation, Great Lakes Chemical Corporation, The B–L Network, Inc	96–2438	07/26/96
Charterhouse Equity Partners II, L.P., Southern Health Corporation, Southern Health Corporation	96–2444	07/26/96
Nordson Corporation, Asymptotic Technologies, Inc., Asymptotic Technologies, Inc	96–2447	07/26/96
Philip Morris Companies Inc., PepsiCo, Inc., Frito-Lay, Inc	96–2455	07/26/96
Employee Solutions, Inc., General Electric Company, Leaseway Administrative Personnel, Inc	96–2466	07/26/96
The DII Group, Inc., Orbit Semiconductor, Inc., Orbit Semiconductor, Inc	96–2478	07/26/96

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 96–20587 Filed 8–12–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–19]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Office on (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

The following requests have been submitted for review since the last publication date on August 7, 1996.

Proposed Projects

1. National Coal Workers' Autopsy Study Consent Release and History Form—(0920–0021)—Revision—Under the Federal Coal Mine Health & Safety Act of 1977, PL91–173 (amended the Federal Coal Mine & Safety Act of 1969), the Public Health Service has developed a nationwide autopsy program (NCWAS) for underground coal miners. The Consent Release and History Form is primarily used to obtain written authorization from the next-of-kin to perform an autopsy on the deceased miner. The study is a service program to aid surviving relatives in establishing eligibility for black lung compensation. Because a basic reason for the post-mortem exam is research (both epidemiological and clinical), included are a minimum of essential information regarding the deceased miner, his occupational history, and his smoking history. The data collected will be used by the staff at NIOSH for research purposes in defining the diagnostic criteria for coal workers' pneumoconiosis (black lung) and will be correlated with pathologic changes and x-ray findings.

Respondents	No. of respondents	No. of Responses/respondent	Avg. burden/response (in hrs.)
Pathologist Invoice	300	1	.05
Report	300	1	.05
Next-of-Kin	300	1	.15

The total annual burden is 125.

2. Coal Mine Dust Personal Sampling Systems—(0920–148)—Extension—This project, mandated under the Federal

Mine Safety and Health Act of 1977 (Pub. L. 91–173, as amended by Public Law 95–164), involves conducting evaluations and tests on coal mine dust personnel sampling units (CMDPSUs) and issuing certifications for those CMDPSUs which meet or exceed all applicable requirements listed in 30 CFR Part 74. It also requires conducting audits of new ''off-the-shelf'' CMDPSUs certified under these regulations to determine compliance, evaluating those CMDPSUs sent to NIOSH as field problems, and responding to technical assistance requests.

Respondents	No. of respondents	No. of Responses/respondent	Avg. burden/response (in hrs.)
Manufacturer ...	1	1	44

The total annual burden is 44.

Dated: August 7, 1996.

Wilma G. Johnson,

Acting Associate Director for Policy Planning and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–20561 Filed 8–12–96; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

[Docket No. 91F–0334]

Heveafil Sendirian Berhad; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 1B4276), proposing that the food additive regulations be amended to provide for the safe use of natural rubber latex, sulfur, kaolin, butylated reaction product of *p*-cresol and dicyclopentadiene, zinc dibenzyldithiocarbamate, talc, ammonium caseinate, and sodium salt of polymerized alkyl aryl sulfonic acid as components of latex rubber thread in contact with meat and poultry.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of September 11, 1991 (56 FR 46324), FDA announced that a food additive petition (FAP 1B4276) had been filed by Heveafil Sendirian Berhad, 4740–G Dwight Evans Rd., Charlotte, NC 28217 (currently, c/o McDermott, Will & Emery, 1850 K St. NW., Washington, DC 20006–2296). The petition proposed to amend the food additive regulations to provide for the safe use of natural rubber latex, sulfur, kaolin, butylated reaction product of *p*-cresol and dicyclopentadiene, zinc dibenzyldithiocarbamate, talc, ammonium caseinate, and sodium salt of polymerized alkyl aryl sulfonic acid as components of latex rubber thread in contact with meat and poultry. Heveafil Sendirian Berhad has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: July 31, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–20522 Filed 8–12–96; 8:45 am]

BILLING CODE 4160–01–F

Public Health Service

National Institutes of Health; Submission for OMB Review;

SUMMARY: Under the provisions of Sections 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), National Cancer Institute (NCI), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. The proposed information collection was previously published in the Federal Register on December 13, 1995, page 64068 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995 unless it displays a currently valid OMB control number.

PROPOSED COLLECTION: *Title:* Cancer Risk in X-ray Technologists: Second Survey for Incidence—renewal.

Need and use of information collection: A cohort study will be conducted to quantify the risk of radiation-induced cancer among 90,289 registered x-ray technologists. X-ray technologists will be asked to respond to a mail questionnaire which collects information about incident cancers and risk factors for those cancers to evaluate cancer risk associated with occupational exposure to low-level ionizing radiation, taking into account potentially confounding factors. The information will be used by the National Cancer Institute to determine cancer-specific radiation risk estimates. Physicians will be contacted to verify self-reports of cancer by x-ray technologists. Burden estimates are as follows:

Type of respondents	Number of respondents	Number of responses per respondent	Average burden/response (hours)	Estimated total annual burden hours requested
X-ray technologists	7,500	1	.33	2,475
Physicians	350	1	.17	60
Total	.....	.....	.....	2,535

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Direct comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office Management and Budget, Office of Regulatory Affairs, New Executive Office Building, room 10235, Washington, D.C. 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Michele M. Doody, M.S., National Cancer Institute, EPN 408, 6130 Executive Boulevard, Rockville, MD 20892–7364, or call non-toll-free number 301–496–6600.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: August 5, 1996.

Philip D. Amoruso,

NCI Executive Officer.

[FR Doc. 96–20520 Filed 8–12–96; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

Opportunity for Licensing: Homologous Recombination and Cloning of DNA and Control of Gene Expression

AGENCY: National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health is seeking licensees and/or CRADA partners for the further development, evaluation, and commercialization of homologous recombination and cloning of DNA and control of gene expression. The inventions claimed in the patents and patent applications referenced below under Supplementary Information are available for either exclusive or non-exclusive licensing (in accordance with 35 U.S.C. 207 and 37 CFR Part 404) and/or further development under a CRADA for clinical and research applications.

ADDRESSES: Questions about this licensing opportunity should be addressed to: Larry Tiffany, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7735, ext. 206; fax: 301/402–0220.

Questions about a CRADA opportunity should be addressed to: Dr. Cyrus R. Creveling, Director, Office of Technology Transfer, National Institute of Diabetes and Digestive and Kidney Diseases, Building 31, Room 9A35, 9000 Rockville Pike, Bethesda, MD 20892; telephone: 301/496–5360; fax: 301/496–2830.

SUPPLEMENTARY INFORMATION: The isolation and cloning of genomic DNA fragments is a fundamental technique in molecular biology. Several methods are available to amplify and isolate selected DNA fragments, the common being polymerase chain reaction (PCR). Major limitations in PCR are its error rate and the small fragment size which may be reliably amplified. The *E. coli* enzyme RecA has the ability to specifically target single-stranded DNA to complementary target duplex DNA to create a three-stranded complex.

The present technology involves the use of *E. coli* RecA protein and peptides derived from it for: (1) Targeting restriction endonuclease cleavage to unique predetermined sites, (2) sequence specific mapping and manipulation of complex genomes, (3) diagnosing a genetic mutation, and (4) developing therapeutics: site specific gene inactivation, correction of gene mutations, control of gene expression.

These inventions are embodied in the following patents and patent applications:

U.S. Patent 5,460,941—''Method of Targeting DNA''

U.S. Patent 5,510,473—''Cloning of the RecA Gene from Thermus Aquaticus YT–1''—and its DIV, U.S. Patent Application Serial No. 08/446,413

U.S. Patent Application Serial No. 08/483,115—''RecA Peptide''

U.S. Patent Application Serial No. 60/001,384—''RecA Assisted Cloning of DNA''

Information about the patent applications and pertinent information not yet publicly described can be obtained under a Confidential Disclosure Agreement. Respondees interested in licensing the invention(s) will be required to submit an Application for License to Public Health Service Inventions.

To expedite the research, development, and commercialization of these compounds, the National Institutes of Health will also consider a CRADA with a pharmaceutical or biotechnology company in accordance with the regulations governing the transfer of Government-developed agents. Any proposal to use or develop these compounds will be considered. Respondees interested in submitting a CRADA proposal should be aware that it may be necessary to secure a license to the above patent rights in order to commercialize products arising from a CRADA.

Dated: August 5, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–20521 Filed 8–12–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4086–N–22]

Office of the Assistant Secretary for Public and Indian Housing; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: October 15, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451—7th Street, SW, Room 4238, Washington, D.C. 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202)–708–0846, for copies of the proposed forms and other available documents. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the

information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Public and Indian Housing—LOCCS/VRS Payment Vouchers.

OMB Control Number: 2577–0166.

Description of the need for the information and proposed use: Form HUD–50080 will be used by grant recipients to request funds from HUD through LOCCS/VRS voice activated payment system. The information collected on this form will also be used as an internal control measure to ensure the lawful and appropriate disbursement of Federal funds, as well as provide a service to program recipients.

Form Number: HUD 50080 Series.

Members of affected public: PHAs; IHAs.

Frequency of submission: On occasion.

Reporting Burden: Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: on an annual basis, 5312 respondents, 21.6 responses per respondent, 114,762 total responses, 28,690.5 (114,762*.25) total burden hours.

Status of the proposed information collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

Authority: Section 3506 Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 26, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

LOCCS / VRS

Economic Development and Supportive Services

Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):
073	EDSS	from: to:
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	
8. Grant or Project No:	6a. Grantee Organization's TIN :	

9. Line Item No.	Type of Funds Requested	Amount :(dollars) * (cents)
4210	Supportive Services	*
4220	Economic Development Activities	*
4230	Administrative Costs	*
4240	Service Coordinator(s) / Case Manager(s) Salary	*
4250	Other Program Costs	*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

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form **HUD-50080-EDSS** (07/15/96)

LOCCS / VRS

Comprehensive Improvement Assistance Program

Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
029	CIAP	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount :(dollars) * (cents)
1406	Operations	*
1408	Management Improvements	*
1410	Administration	*
1430	Fees & Costs	*
1440	Site Acquisition	*
1450	Site Improvement	*
1460	Dwelling Structures	*
1465	Dwelling Equipment - Non-Expendable	*
1470	Non-Dwelling Structures	*
1475	Non-Dwelling Equipment	*
1495	Relocation Costs	*
1498	Mod Used for Development	*
1500	FY 1992 & Prior Year Grants	*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-CIAP** (07/15/96)

LOCCS / VRS
Comprehensive Grant Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. 1 = Partial Disbursement 2 = Final Disbursement
028	COMP	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
1406	Operations	*
1408	Management Improvements	*
1410	Administration	*
1411	Audit Costs (CGP)	*
1430	Fees & Costs	*
1440	Site Acquisition	*
1450	Site Improvement	*
1460	Dwelling Structures	*
1465	Dwelling Equipment - Non-Expendable	*
1470	Non-Dwelling Structures	*
1475	Non-Dwelling Equipment	*
1490	Replacement Reserve (CGP)	*
1495	Relocation Costs	*
1498	Mod Used for Development	*
	10. Voucher Total:	$ *

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	13. Signature : X	14. Date of Request :

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form **HUD-50080-COMP** (07/15//96)

LOCCS / VRS
Drug Elimination Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
018	DRUG	from: to:	
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :	
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:	

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
9110	Reimbursement of Law Enforcement	*
9120	Employment of Security Personnel	*
9130	Employment of Investigators	*
9140	Voluntary Tenant Patrol	*
9150	Physical Improvements	*
9160	Drug Prevention	*
9170	Drug Intervention	*
9180	Drug Treatment	*
9190	Other Program Costs	*
9191	FY 1991 Grant Costs	*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-DRUG** (1/93)
7/15/96

LOCCS / VRS
Family Investment Centers Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. 1 = Partial Disbursement, 2 = Final Disbursement
060	FIC	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
9610	Administrative Costs	*
9620	Other Program Costs	*
9630	Supportive Services	*
9640	Conversion/Renovation Activities	*
		*
		*
		*
		*
		*
		*
		*
		*
*		*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-FIC** (5/94)

7/15/96

LOCCS / VRS
Hope - Elderly Independence
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
041	HEI	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
2000	Hope Grant - Year 1 Approved Budget	*
3000	Hope Grant - Year 2 Approved Budget	*
4000	Hope Grant - Year 3 Approved Budget	*
5000	Hope Grant - Year 4 Approved Budget	*
6000	Hope Grant - Year 5 Approved Budget	*
		*
		*
		*
		*
		*
		*
		*
	10. **Voucher Total:**	*

DRAFT

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-HEI** (4/93)

7/15/96

LOCCS / VRS
Indian HOME Program
Payment Certification
Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher/Certification Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):
027	HOMI	from: to:
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Indian Tribe's Name :	
8. Grant No:	6a. Indian Tribe's Taxpayer ID No. :	

DRAFT

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
1000	Non-Administrative Costs	*
2000	Administrative Costs	*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
10. Voucher/Certification Total:		$ *

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	13. Signature : X	14. Date of Request :

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LOCCS / VRS
HOPE 1 Implementation Grant
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
021	HOP1	from: to:	
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :	
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:	

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
9410	Architecture & Engineering	*
9415	Implementation of Homeownership Program	*
9420	Rehabilitation Costs	*
9425	Administrative Costs	*
9430	Development of RMCs/RCs	*
9435	Counseling & Training	*
9440	Relocation	*
9445	Temporary Relocation	*
9450	Assistance for Operating Expenses	*
9455	Replacement Reserves	*
9460	Replacement Housing	*
9465	Legal Fees	*
9470	Ongoing Training Needs	*
9475	Economic Development	*
9480	Other Eligible Activities	*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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Privacy Statement: Public Law 97-255, Financial Integrity Act, 31 U.S.C. 3512, authorizes the Department of Housing and Urban Development (HUD) to collect all the information (except the Social Security Number (SSN)) which will be used by HUD to protect disbursement data from fraudulent actions. The purpose of the data is to safeguard the Line of Credit Control System (LOCCS) from unauthorized access. The data are used to ensure that individuals who no longer require access to LOCCS have their access capability promptly deleted. Failure to provide the information requested on the form may delay the processing of your approval for access to LOCCS. While the provision of the SSN is voluntary, HUD uses it as a unique identifier for safeguarding the LOCCS from unauthorized access. This information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law.

form **HUD-50080-HOP1-b** (07/15/96)

LOCCS / VRS
Lead-Based Paint Risk Assessment
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

Public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0166), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collecton displays a valid OMB control number.

Do not send this form to the above address.

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4.
036	LBP	from: to:	☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
1410	Administration	*
1430	Fees & Costs	*
		*
		*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-LBP** (07/15/96)

LOCCS / VRS
Moving to Opportunity for Fair Housing
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
056	MTO	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
2000	MTO Grant - Year 1 Approved Budget	*
3000	MTO Grant - Year 2 Approved Budget	*
	10. Voucher Total:	$ *

DRAFT

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-MTO** (07/15/96)

LOCCS / VRS
Public Housing Development
Line Item Based Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (Exp.08/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
032	PDEV	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
1410	Administration	*
1425	Initial Operating Deficit	*
1430	Planning (except HUD technical service fee)	*
1440	Site Acquisition & Expenses	*
1450	Site Improvement	*
1475	Non-Dwelling Equipment	*
1480	Construction Work/Contract Work-In Progress	*
1495	Relocation Costs	*
1499	Development Used for Mod	*
1500	FY 94 & Prior Year Grants & Loans	*
		*
		*
	10. **Voucher Total:**	*

DRAFT

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-PDEV** (07/15/96)

LOCCS / VRS
Service Coordinators for Public Housing
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number:	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. 1 = Partial Disbursement, 2 = Final Disbursement
064	SCPH	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more):	6. Grantee Organization's Name:	7. Payee Organization's Name:
8. Grant or Project No:	6a. Grantee Organization's TIN:	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount: (dollars) * (cents)
9810	Administrative Costs (Excluding Salaries)	*
9820	Other Program Expenses	*
9830	Supportive Services	*
9840	Training	*
9850	Salaries	*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly):	
	13. Signature: X	14. Date of Request:

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form **HUD-50080-SCPH** (07/15/96)

LOCCS / VRS
Special Purpose Grants
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number: **044**	2. LOCCS Pgrm. Area: **PSPG**	3. Period Covered by this Request (mm/yy): from: to:	4. ☐ 1 = Partial Disbursement 2 = Final Disbursement
5. Voice Response No. (5 digits, hyphen, 5 more):	6. Grantee Organization's Name:		7. Payee Organization's Name:
8. Grant or Project No:	6a. Grantee Organization's TIN:		7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount: (dollars) * (cents)
1000	Personnel	*
1100	Fringe Benefits	*
1200	Travel	*
1300	Equipment	*
1400	Supplies	*
1500	Contractual / Sub-Grantees	*
1600	Construction	*
1700	Other	*
1800	Indirect Charges	*
		*
		*
		*
	10. Voucher Total:	$ *

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly):	
	13. Signature: X	14. Date of Request:

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form **HUD-50080-SPG** (07/15/96

LOCCS / VRS
Traditional Indian Housing Development
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (Exp. 08/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. 1 = Partial Disbursement 2 = Final Disbursement
031	TIHD	from: to:	☐
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :	
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:	

9. Line Item No	Type of Funds Requested	Amount : (dollars) * (cents)
1406	Operations	*
1410	Administration	*
1425	Initial Operating Deficit	*
1430	Planning	*
1440	Site Acquisition	*
1450	Site Improvements	*
1451	Off Site Sewer & Water	*
1475	Non-Dwelling Equipment	*
1480	Construction Work/Contracts in Progress	*
1495	Relocation Costs	*
1499	Development Used for Mod	*
1500	FY 1994 & Prior Year Grants	*
	10. Voucher Total:	$ *

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-TIHD** (07/15/96)

LOCCS / VRS
Tenant Opportunities Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. 1 = Partial Disbursement, 2 = Final Disbursement
025	TOP	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
9510	Organize Community	*
9520	Operating Procedures	*
9530	Develop MOU	*
9540	Plan for Technical Assistance	*
9550	Consultant Contracts	*
9560	Implement Property Management	*
9570	Self-Sufficiency Programs	*
9580	Miscellaneous Activities	*
1500	FYs 1988-1991 Grants	*
9590	Travel	*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-TOP** (07/15/96)

LOCCS / VRS
Urban Revitalization Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. 1 = Partial Disbursement 2 = Final Disbursement
058	URP	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount : (dollars)	* (cents)
1408	Management Improvement		*
1410	Administration		*
1430	Fees & Costs		*
1440	Site Acquisition		*
1450	Site Improvement		*
1460	Dwelling Structures		*
1465	Dwelling Equipment - Non-Expendable		*
1470	Non-Dwelling Structures		*
1475	Non-Dwelling Equipment		*
1495	Relocation Costs		*
			*
			*
			*
	10. Voucher Total:	$	*

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Privacy Statement: Public Law 97-255, Financial Integrity Act, 31 U.S.C. 3512, authorizes the Department of Housing and Urban Development (HUD) to collect all the information (except the Social Security Number (SSN)) which will be used by HUD to protect disbursement data from fraudulent actions. The purpose of the data is to safeguard the Line of Credit Control System (LOCCS) from unauthorized access. The data are used to ensure that individuals who no longer require access to LOCCS have their access capability promptly deleted. Failure to provide the information requested on the form may delay the processing of your approval for access to LOCCS. While the provision of the SSN is voluntary, HUD uses it as a unique identifier for safeguarding the LOCCS from unauthorized access. This information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law.

form **HUD-50080-URP** (07/15/96)

LOCCS / VRS

PH Apprenticeship Demonstration Program in Construction Trades

(Urban Youth Corp) Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

Public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0166), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collecton displays a valid OMB control number.

Do not send this form to the above address.

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1. Voucher Number: 067	2. LOCCS Pgrm. Area: UYC	3. Period Covered by this Request (mm/yy): from. to.	4. ☐ 1 = Partial Disbursement 2 = Final Disbursement
5. Voice Response No. (5 digits, hyphen, 5 more):	6. Grantee Organization's Name:		7. Payee Organization's Name:
8. Grant or Project No:	6a. Grantee Organization's TIN:		7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount: (dollars) * (cents)
9910	Administrative Costs	*
9920	Stipends	*
9930	Supportive Services	*
9940	Uniforms and Tools	*
9950	Subgrants	*
9970	Other Program Costs	*
		*
		*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly):	
	13. Signature: X	14. Date of Request:

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form **HUD-50080-UYC** (07/15/96)

LOCCS / VRS **Vacancy Reduction Program** Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. 1 = Partial Disbursement 2 = Final Disbursement
059	VRP	from: to:	
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :	
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:	

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
1408	Management Improvement	*
1410	Administration	*
1430	Fees & Costs	*
1440	Site Acquisition	*
1450	Site Improvement	*
1460	Dwelling Structures	*
1465	Dwelling Equipment - Non-Expendable	*
1470	Non-Dwelling Structures	*
1475	Non-Dwelling Equipment	*
1495	Relocation Costs	*
		*
		*
	10. Voucher Total:	$ *

DRAFT

I certify the data reported and funds requested on this voucher are correct and the amount requested is not in excess of immediate disbursement needs for this program. In the event the funds provided become more than necessary, such excess will be promptly returned, as directed by HUD.

11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-VRP** (07/15/96)

LOCCS / VRS
Special Purpose Grants
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number:	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
062	YAP	from: to:	

5. Voice Response No. (5 digits, hyphen, 5 more):	6. Grantee Organization's Name:	7. Payee Organization's Name:
8. Grant or Project No:	6a. Grantee Organization's TIN:	7a. Payee Organization's TIN:

9. Line Item No.	Type of Funds Requested	Amount: (dollars) * (cents)
9910	Administrative Costs	*
9920	Stipends	*
9930	Supportive Services	*
9940	Uniforms and Tools	*
9950	Subgrants	*
9960	Data Collection/Evaluation	*
9970	Other Program Costs	*
		*
		*
		*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly):	
	13. Signature: X	14. Date of Request:

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form **HUD-50080-YAP** (07/15/96)

LOCCS / VRS
Youth Development Initiative
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
063	YDI	from: to:	
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :	
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:	

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
9710	Administrative Costs	*
9720	Other Program Expenses	*
9730	Supportive Services	*
9740	Conversion/Renovation	*
9750	Service Coordinator	*
9760	Acquisition	*
9770	New Construction	*
		*
		*
		*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-YDI** (07/15/96)

LOCCS / VRS
Youth Sports Program
Payment Voucher

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0166 (exp. 8/31/95)

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1. Voucher Number :	2. LOCCS Pgrm. Area:	3. Period Covered by this Request (mm/yy):	4. ☐ 1 = Partial Disbursement ☐ 2 = Final Disbursement
024	**YSP**	from: to:	
5. Voice Response No. (5 digits, hyphen, 5 more) :	6. Grantee Organization's Name :	7. Payee Organization's Name :	
8. Grant or Project No:	6a. Grantee Organization's TIN :	7a. Payee Organization's TIN:	

9. Line Item No.	Type of Funds Requested	Amount : (dollars) * (cents)
9210	Youth Sports Efforts	*
9220	Recreational Facilities	*
9230	Youth Drug Education Activities	*
9240	Youth Educational/Vocational Activities	*
		*
		*
		*
		*
		*
		*
		*
		*
		*
	10. Voucher Total:	$ *

DRAFT

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11. Name & Phone Number (including area code) of the Person who Completed this Form:	12. Name & Title of Authorized Signatory (type or print clearly) :	
	13. Signature : X	14. Date of Request :

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form **HUD-50080-YSP** (07/15/96)

[FR Doc. 96–20616 Filed 8–12–96; 8:45 am]
BILLING CODE 4210–33–C

Office of the Secretary

[Docket No. FR–4078–D–01]

Office of the Assistant Secretary for Community Planning and Development; Delegation and Redelegation of Authority Pursuant to Section 11 of the Housing Opportunity Program Extension Act of 1996

AGENCY: Office of the Secretary, and Office of the Assistant Secretary for CPD, HUD.

ACTION: Notice of delegation and redelegations of authority.

SUMMARY: This notice delegates to the Assistant Secretary for Community Planning and Development the Secretary's power and authority with respect to Section 11 of the Housing Opportunity Program Extension Act of 1996. The Assistant Secretary for Community Planning and Development redelegates this power and authority to the Deputy Assistant Secretary for Grant Programs, who further redelegates this power and authority to the Director, Office of Affordable Housing Programs.

EFFECTIVE DATES: Authority Delegated: *July 15, 1996.* Authority Redelegated: *August 5, 1996.*

FOR FURTHER INFORMATION CONTACT: Mary Kolesar, Director, Program Policy Division, Office of Affordable Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 7162, Washington, D.C. 20410, (202) 708–2470. A telecommunications device for the hearing-impaired is available at (202) 708–1455. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 11 of the Housing Opportunity Program Extension Act of 1996, Pub. L. 104–120, 110 Stat. 834, March 28, 1996, commonly referred to as the Self-Help Homeownership Opportunity Program, is intended to facilitate and encourage innovative homeownership opportunities through the provision of self-help housing, in which the prospective homeowner contributes significant ''sweat-equity'' toward construction of the new dwelling. These decent, safe and sanitary non-luxury dwellings will be made available to eligible individuals at prices below the prevailing market prices. Section 11 of the Housing Opportunity Program Extension Act of 1996 provides the Secretary of Housing and Urban Development (''Secretary'') with the power and authority to administer grants under the Act.

The present action delegates to the Assistant Secretary for Community Planning and Development the Secretary's power and authority with respect to Section 11 of the Housing Opportunity Program Extension Act of 1996. The Assistant Secretary for Community Planning and Development redelegates all power and authority granted by Section 11 of the Housing Opportunity Program Extension Act of 1996 to the Deputy Assistant Secretary for Grant Programs, who further redelegates all power and authority granted by Section 11 of the Housing Opportunity Program Extension Act of 1996 to the Director, Office of Affordable Housing Programs. The authority delegated and redelegated in this action does not include the authority to sue or be sued.

Accordingly, the Secretary delegates, the Assistant Secretary for Community Planning and Development redelegates, and the Deputy Assistant Secretary for Grant Programs redelegates as follows:

Section A. Authority Delegated

The Secretary of the Department of Housing and Urban Development delegates to the Assistant Secretary for Community Planning and Development all power and authority granted by Section 11 of the Housing Opportunity Program Extension Act of 1996, except for the authority to sue or be sued.

Section B. Authority Redelegated

The Assistant Secretary for Community Planning and Development redelegates to the Deputy Assistant Secretary for Grant Programs all power and authority granted by Section 11 of the Housing Opportunity Program Extension Act of 1996, except for the authority to sue or be sued.

Section C. Authority Further Redelegated

The Deputy Assistant Secretary for Grant Programs redelegates to the Director, Office of Affordable Housing Programs all power and authority granted by Section 11 of the Housing Opportunity Program Extension Act of 1996, except for the authority to sue or be sued.

Section D. No Authority to Further Redelegate

The authority redelegated under Section C does not include the authority to further redelegate.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. § 3535(d).

Dated: July 15, 1996.

Henry G. Cisneros,

Secretary of Housing and Urban Development.

Dated: August 5, 1996.

Andrew M. Cuomo,

Assistant Secretary for Community Planning and Development.

Dated: August 5, 1996.

Kenneth C. Williams,

Deputy Assistant Secretary for Grant Programs.

[FR Doc. 96–20615 Filed 8–12–96; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Designation of a Segment of the Wallowa River as a Component of the National Wild and Scenic Rivers System

AGENCY: Interior.

ACTION: Notice.

SUMMARY: Pursuant to the authority granted the Secretary of the Interior by section 2(a)(ii) of the Wild and Scenic Rivers Act (82 Stat 906, 16 U.S.C. 1273), and upon application by the Governor of the State of Oregon, a 10-mile segment of the Wallowa River is hereby designated as a state-administered component of the National Wild and Scenic Rivers System (National System). This action is based on the designation of the river by the State of Oregon and the protection offered this river and its immediate environment by and pursuant to applicable state laws and regulations.

FOR FURTHER INFORMATION CONTACT: Dan Haas, National Park Service, Pacific West Field Area Office, 909 First Avenue, Seattle, Washington 98104–1060, telephone (206) 220–4120.

SUPPLEMENTARY INFORMATION: On December 29, 1994, then Oregon Governor Barbara Roberts petitioned the Secretary of the Interior to add a segment of the Wallowa River to the National Wild and Scenic Rivers System. Section 2(a)(ii) of the Wild and Scenic Rivers Act allows a governor to request that rivers already protected in a state river protection system be included in the National System. Governor Roberts requested that a 10-mile reach of the Wallowa River, from the confluence of the Wallowa and Minam Rivers (river mile 10) downstream to the confluence of the Wallowa and Grande Ronde Rivers (river mile 0), be protected as a wild and scenic river. Pursuant to section 2(a)(ii),

the river will be managed by the State of Oregon at no cost to the federal government, except for those lands currently managed by the Bureau of Land Management (BLM).

For a state-managed river to be eligible for the National System, four conditions must be met: (1) The river is already designated as part of a state river protection system; (2) the river has at least one ''outstandingly remarkable'' natural, cultural or recreational resource—i.e., a resource of regional or national significance—and is free-flowing as defined by the Departments of the Interior and Agriculture; (3) the state has adequate mechanisms in place to protect the resources for which the river is eligible for the National System; and (4) the state has the institutional framework to manage the river at no cost to the federal government, except for those lands already in federal management.

The National Park Service (NPS) is responsible for making determinations of eligibility under section 2(a)(ii). The NPS Pacific West Field Area conducted a study, with the BLM and the U.S. Forest Service (USFS) acting as cooperating agencies. In April of 1995, the NPS released the Draft Wallowa River 2(a)(ii) Wild & Scenic River Study for public review and comment. A period for public comment was provided from April 21, 1995, to June 22, 1995. The draft report was finalized based on comments received.

Simultaneous with the release of the draft report, the NPS announced it was adopting the Wallowa River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement (LEIS) in fulfillment of National Environmental Policy Act requirements. The LEIS was prepared by the USFS, with the NPS and BLM acting as cooperating agencies. The LEIS was prepared at the direction of Congress under the 1988 Oregon Omnibus Rivers Act which mandated that the USFS study the Wallowa River for possible inclusion into the National System. The Preferred Alternative of the LEIS was designation of the river as wild and scenic through section 2(a)(ii), subsequently leading to Governor Roberts' request. The USFS filed the LEIS with the U.S. Environmental Protection Agency (EPA) on July 14, 1995, and notice was provided in the Federal Register on July 21, 1995. Simultaneously, the NPS filed with the EPA its notice of adoption of the LEIS, and this was also notice in the Federal Register on July 21, 1995.

This action is taken following public involvement and consultation with the Departments of Agriculture, Army, Energy and Transportation; the Federal Energy Regulatory Commission; all Department of the Interior agencies; the National Marine Fisheries Services; the State of Oregon; the EPA; and all other Federal agencies that might have an interest.

Based on the recommendations of the NPS and a review of all relevant documents, I have determined that the 10-mile stretch of the Wallowa River should be designated as a state-administered component of the National System, as provided for in section 2(a)(ii) of the Wild and Scenic Rivers Act. Notice is hereby given that effective upon this date, the segment of the Wallowa River from the confluence of the Wallowa and Minam Rivers in the hamlet of Minam downstream to the confluence of the Wallowa and Grande Ronde Rivers is approved for inclusion in the National Wild and Scenic Rivers System as a National Recreational River.

Dated: July 23, 1996.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 96–20519 Filed 8–12–96; 8:45 am]

BILLING CODE 4310–70–M

Fish and Wildlife Service

Notice of Availability of Draft Environmental Assessment for the Eradication of the Nonnative Red Shiner in the Virgin River, Utah

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service announces the availability for public review of the Draft Environmental Assessment for the Eradication of the Nonnative Red Shiner (*Cyprinella lutrensis*) in the Virgin River, Utah.

DATES: Comments on the Draft Environmental Assessment must be received on or before September 12, 1996 to be considered by the Service during preparation of the final environmental assessment.

ADDRESSES: Comments and requests for copies of the Draft Environmental Assessment should be addressed to the Assistant Field Supervisor, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. Comments and materials received will be available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Williams, Assistant Field Supervisor (see **ADDRESSES** section) (telephone 801/524–5002).

SUPPLEMENTARY INFORMATION:

Background

The red shiner (*Cyprinella lutrensis*) is a small minnow native from the North Central United States to northeastern Mexico. It was introduced into the lower Colorado River Basin as a bait fish in the early 1950's, and since then has invaded most of the Colorado River system, including the Virgin River system. Until the 1980's, the red shiner was confined to the lower Virgin River system, in Arizona and Nevada, below the Virgin River Gorge, which is usually dewatered during the dry summer months. In 1984 red shiner were discovered above the Gorge, in southwestern Utah, and have since then become the dominant fish species in the 33.6 km (21 mi) river reach between the Virgin River Gorge and Washington Fields Diversion.

The red shiner has been implicated in the decline of the endangered woundfin (*Plagopterus argentissimus*) and Virgin River chub (*Gila seminuda*), and in the decline of the Virgin spinedace (*Lepidomeda mollispinis mollispinis*), a species of concern. The Virgin River Fishes Recovery Plan and the Virgin Spinedace Conservation Agreement have identified the eradication of red shiner in the Virgin River system as a recovery and conservation activity necessary to ensure the longterm survival of the native fishes of the Virgin River. The Draft Environmental Assessment outlines a plan for the eradication of red shiner from the Virgin River system, Utah.

Public Comments Solicited

Comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this draft document are hereby solicited. All comments and materials received will be considered in the preparation of the final environmental assessment.

Author: The primary author of this notice is Janet Mizzi (see **ADDRESSES** section) (telephone 801/524–501).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. *et seq.*).

Dated: August 6, 1996.

Terry T. Terrel,

Deputy Regional Director, Denver, Colorado.

[FR Doc. 96–20568 Filed 8–12–96; 8:45 am]

BILLING CODE 4310–55–M

Land Management Bureau

[OR–110–6310–04; GP9–156]

Oregon; Public Lands Closure

AGENCY: Bureau of Land Management, Medford District, Ashland Resource Area.

ACTION: Notice.

SUMMARY: The notice published on page 4788 in the issue of Thursday, February 8, 1996, closing to all public use the Keno Access Road and the Howard Prairie Hook Up Road in Jackson County, Oregon is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Dave Jones, District Manager, Medford District Office, at (541) 770–2200.

Dated: August 1, 1996.

David A. Jones,

District Manager.

[FR Doc. 96–20609 Filed 8–12–96; 8:45 am]

BILLING CODE 4310–33–M

Bureau of Land Management

[ID–015–06–1610–00]

Owyhee Resource Area, ID; Resource Management Plan, etc.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Draft Resource Management Plan and Draft Environmental Impact Statement (RMP/EIS); and Proposed Area of Environmental Concern (ACEC) Designations.

SUMMARY: Pursuant to section 202 of the Federal Land Policy and Management and section 102(2)(c) of the National Environmental Policy Act, the Bureau of Land Management (BLM) has prepared a draft Resource Management Plan (RMP) and associated draft Environmental Impact Statement (EIS) for the Owyhee Resource Area. The draft RMP/EIS addresses alternatives for management on 1.3 million acres of BLM administered public lands in southwest Idaho. Consideration of 19 areas for Area of Critical Environmental Concern (ACEC) designation, including one area located partially in Oregon, is addressed in the draft document. This notice, therefore, is also issued pursuant to 43 CFR Part 1610.7–2(b) of the BLM Planning Regulations. The draft document also addresses suitability of wild, scenic and recreational designations on 223 miles of stream segments determined to be eligible for such designations under the Wild and Scenic Rivers Act. Members of the public, other Federal agencies, State and local governments, and Indian Tribes are invited to review and comment on the draft document. Written comments received during the comment period will be considered in preparation of the Proposed RMP and Final EIS. Public information meetings will be announced at a later date.

DATES: The 90-day comment period provided for in 43 CFR Part 1600 (BLM Planning Regulations) will remain open until November 15, 1996. Written comments may be submitted at any time during the comment period to the Boise Field Office.

ADDRESSES: Written comments should be sent to: Owyhee Area Manager, Bureau of Land Management, Boise Field Office, 3948 Development Avenue, Boise, ID 83705. Copies of the draft RMP/EIS are available at this address.

FOR FURTHER INFORMATION CONTACT: Jay Carlson, Area Manager; or Fred Minckler, Team Leader at the address above. Telephone (208) 384–3300.

SUPPLEMENTARY INFORMATION: The Owyhee draft RMP/EIS describes and analyzes four alternatives for managing 1,319,651 acres of BLM administered public lands in western Owyhee County, Idaho. The Owyhee Resource Area encompasses 1,779,405 acres including State and private lands. The land use planning effort addresses a broad spectrum of land uses and allocations including wild horse management, land tenure adjustments, off-highway motorized vehicle (OHMV) designations, wild, scenic and recreational river designations, and areas of critical environmental concern (ACECs). Nineteen areas ranging in size from 113 acres to 148,360 acres and totaling 291,868 acres are being considered for ACEC designation. Two of the areas are currently designated as ACECs. One of the areas under consideration totaling 2,393 acres contains 775 acres in Oregon. Designation of this area in Oregon as an ACEC requires amending the Northern Malheur Management Framework Plan, the land use plan prepared by the BLM Vale District in Oregon. Documentation for amending that plan is incorporated into the Owyhee RMP/EIS. Resource use limitations vary among alternatives for each area and pertain to OHMV designations, rights-of-way, livestock management, juniper control, fire management and minerals activities.

Dated: August 6, 1996.

David Vail,

Acting District Manager.

[FR Doc. 96–20562 Filed 8–12–96; 8:45 am]

BILLING CODE 4310–GG–P

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Notice of Investment Opportunity

The U.S. Agency for International Development (USAID) has authorized the guaranty of a loan to the Government of the Kingdom of Morocco (''Borrower''), as part of USAID's development assistance program. The proceeds of this loan will be used to enhance the land development for shelter projects for the benefit of low-income families in Morocco. At this time, the Borrower has authorized USAID to request proposals from eligible lenders for a loan under this program of $15 Million U.S. Dollars (US$15,000,000). The name and address of the Borrower's representatives to be contacted by interested U.S. lenders or investment bankers, and the amount of the loan and project number are indicated below:

Kingdom of Morocco

Project No.: 608–HG–004.

Housing Guaranty Loan No.: 608–HG–006 A01.

Amount: $15,000,000.

Attention: Mr. Larbi Nouha, Adjoint au Directeur du Tresor et des Finances Exterieures, Ministere des Finances et des Investissements Exterieurs.

Mailing address: Direction du Tresor et des Finances Exterieures, Ministere des Finances et des Investissements Exterieurs Boulevard Mohamed V, Rabat, Morocco.

Telex No.: 36.147.

Telefax No.: 212–7–764–950 (preferred communication).

Telephone No.: 212–7–762–608.

Interested lenders should contact the Borrower as soon as possible and indicate their interest in providing financing for the Housing Guaranty Program. Interested lenders should submit their bids to the Borrower's representative by Tuesday, August 27, 1996, 12:00 noon Eastern Daylight Savings Time. Bids should be open for a period of 48 hours from the bid closing date. Copies of all bids should be simultaneously sent to the following:

Mr. Tahar Berrada, Housing and Urban Development Office, RHO USAID/Rabat, Morocco c/o American Embassy, PSC 74, Box 022, APO AE 09718 (Street address: USAID/Rabat, 137 Avenue Allal Ben Abdellah, B.P. 120, Rabat, Morocco).

Telex No.: 31005M.

Telefax No.: 212–7–707–930 (preferred communication).

Telephone No.: 212–7–762–265.

Mr. Peter Pirnie.

Address: U.S. Agency for International Development, Office of Environment and Urban Programs, G/ENV/UP, Room 409, SA–18, Washington, D.C. 20523–1822.

Telex No.: 892703 AID WSA.

Telefax No.: (703) 875–4639 or (703) 875–4384 (preferred communication).

Telephone No.: (703) 875–4510 or (703) 875–4300.

For your information the Borrower is currently considering the following terms:

(1) *Amount:* U.S. $15 million ($15,000,000).

(2) *Term:* 30 years.

(3) *Grace Period:* Ten years grace on repayment of principal. (During grace period, semi-annual payments of interest only). If *variable* interest rate, repayment of principal to amortize in equal, semi-annual installments over the remaining 20-year life of the loan. If *fixed* interest rate, semi-annual level payments of principal and interest over the remaining 20-year life of the loan.

(4) *Interest Rate:* Alternatives of fixed and variable rates, and variable rates with interest rate ''caps'', are requested.

(a) *Fixed Interest Rate:* If rates are to be quoted based on a spread over an index, the lender should use as its index a long bond, specifically the 6.0% U.S. Treasury Bond due February 15, 2026. Such rate is to be set at the time of acceptance.

(b) *Variable Interest Rate:* To be based on the six-month British Bankers Association LIBOR, preferably with terms relating to Borrower's right to convert to fixed. The rate should be adjusted weekly.

(c) *Variable Interest Rate With ''Cap'':* Offers should include a maximum (cap) rate ranging from 10% to 12% per annum, and are to be based on the six-month British Bankers Association LIBOR. The rate should be adjusted weekly.

(5) *Prepayment:*

(a) Offers should include any options for prepayment and mention prepayment premiums, if any, and specify the earliest date the option can be exercised without penalty.

(b) Only in an extraordinary event to assure compliance with statutes binding USAID, USAID reserves the right to accelerate the loan (it should be noted that since the inception of the USAID Housing Guaranty Program in 1962, USAID has not exercised its right of acceleration).

(6) *Fees:* Offers should specify the placement fees and other expenses, including USAID fees and Paying and Transfer Agent fees. Lenders are requested to include all legal fees and out-of-pocket expenses in their placement fee. Such fees and expenses shall be payable at closing from the proceeds of the loan. *All fees should be clearly specified in the offer.*

(7) *Closing Date:* Not to exceed 60 days from date of selection of lender.

Selection of investment bankers and/or lenders and the terms of the loan are initially subject to the individual discretion of the Borrower, and thereafter, subject to approval by USAID. Disbursements under the loan will be subject to certain conditions required of the Borrower by USAID as set forth in agreements between USAID and the Borrower.

The full repayment of the loan will be guaranteed by USAID. The USAID guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the ''Act'').

Lenders eligible to receive the USAID guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for the USAID guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by USAID.

Information as to the eligibility of investors and other aspects of the USAID housing guaranty program can be obtained from:

Ms. Viviann Gary, Director, Office of Environment and Urban Programs, U.S. Agency for International Development, Room 409, SA–18, Washington, D.C. 20523–0214, Fax No: (703) 875–4384, Telephone: (703) 875–4300.

Dated: August 8, 1996.

Jay L. Knott,

Acting Assistant General Counsel, Bureau for Global Programs, Field Support and Research, U.S. Agency for International Development.

[FR Doc. 96–20676 Filed 8–12–96; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF JUSTICE

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of Police Corps and Law Enforcement Education (Office of Community Oriented Policing Services).

ACTION: Notice of information collection under review; Police Corps Service Agreement.

In accordance with the Code of Federal Regulations [5 CFR 1320.13 (a)(2)(ii)] emergency processing is requested. Funding for this information collection was delayed due to the Federal Government furlough and currently approved funding will expire on September 30, 1996. As a result, the normal 90 day comment period will expire after the funding expires. Therefore, the Department of Justice is requesting emergency approval from the Office of Management and Budget for this collection of information by August 9, 1996.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are requested. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is neccessary for the performance of the functions of the agency, including whether the information will have practical utility;

(2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally,

comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534. Written comments may also be submitted to Charlotte C. Grzebien, Assistant General Counsel, Office of Community Oriented Policing Services, 1100 Vermont Avenue, N.W., Washington, D.C. 20530, or via facsimile at (202) 616–2914.

Overview of this information collection:

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Police Corps Service Agreement.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS 17/02. Office of Police Corps and Law Enforcement Education, Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* State and territory governments wishing to participate in the Police Corps program. The Police Corps Service Agreement contains the written contract between the student selected for participation and the Office of Police Corps and Law Enforcement Education (OPCLEE), setting forth the student's commitment to provide four years of law enforcement service with an identified and approved law enforcement agency in exchange for scholarship and/or reimbursement funds.

(5) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 144 respondents at 10 minutes per response. Total annual burden hours requested 24.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: August 7, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–20551 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–01–M

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of Police Corps and Law Enforcement Education (Office of Community Oriented Policing Services), Justice.

ACTION: Notice of information collection under review; Police Corps Interim Final Regulation.

In accordance with the Code of Federal Regulation [5 CFR Part 1320.13(a)(2)(ii)] emergency processing is requested. Funding for this information collection was delayed due to the Federal Government furlough and currently approved funding will expire on September 30, 1996. As a result, the normal 90 day comment period will expire after the funding expires. Therefore, the Department of Justice is requesting emergency approval from the Office of Management and Budget for this collection of information by August 9, 1996.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are requested. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534. Written comments may also be submitted to Charlotte C. Grzebien, Assistant General Counsel, Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW., Washington, DC 20530, or via facsimile at (202) 616–2914.

Overview of this information collection:

(1) Type of Information Collection: New collection.

(2) Title of the Form/Collection: Police Corps Interim Final Regulation.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: COPS 17/01. Office of Police Corps and Law Enforcement Education, Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: State and territory governments wishing to participate in the Police Corps program. The Police Corps Interim Final Regulation provides guidance to participating States and individuals interested in applying to participate in the Police Corps concerning eligibility requirements, application, criteria and procedures, and certain post-application requirements. While the Police Corps Interim Final Regulation is not itself an application for funding, it does identify the specific basic information on each student selected for participation in the Police Corps that the participating State or territory must submit to the Office of Police Corps and Law Enforcement Education (''OPCLEE'').

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Police Corps Interim Final Regulation: Approximately 8 respondents, at 20 hours per response (including record-keeping). Total annual burden hours requested 160.

(6) An estimate of the total public burden (in hours) associated with the collection: Approximately 160 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management

Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: August 7, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–20552 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States* v. *Atlantic Richfield Company, et al.,* Civil Action No. CV–89–039–BU–PGH, was lodged on July 22, 1996, with the United States District Court for the District of Montana.

The complaint filed by the United States in 1989 seeks to recover past, unreimbursed costs under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607, incurred by the United States in connection with response actions taken at the Clark Fork Sites located in southwestern Montana. As part of its complaint, the United States sought recovery of costs from, *inter alia,* Cleveland Wrecking Company for costs incurred and to be incurred at the Anaconda Smelter Site.

The consent decree, which is between the United States and Cleveland Wrecking Company, requires Cleveland Wrecking to pay to the United States $150,000 in reimbursement of past response costs associated with the Anaconda Smelter Site. The settlement is based on a demonstration by Cleveland Wrecking Company of its inability to reimburse the United States for any additional response costs. The consent decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA 42 U.S.C. 9606 and 9607. Under the terms of the decree, the United States has specifically reserved its right to seek relief from Cleveland Wrecking Company for any claims not specifically addressed in the decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States* v. *Atlantic Richfield Company, et al.,* DOJ Ref. # 90–11–2–430.

The proposed consent decrees may be examined at the Office of the United States Attorney, District of Montana, First Floor, 100 North Park Avenue, Helena, Montana 59601; Region VIII Office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202–2466; and at the Consent Decree Library, 1120 ''G'' Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed decrees may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of $196.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–20538 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice hereby is given that a consent decree in *United States* v. *Robert Brace and Robert Brace Farms, Inc.,* No. 90–229 Erie, was lodged with the United States District Court for the Western District of Pennsylvania on July 24, 1996.

The proposed consent decree concerns violations of sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311, 1344, as a result of unpermitted discharges of dredged and fill material into portions of property located in Erie County, Pennsylvania, that constitute ''waters of the United States.'' The consent decree encompasses a permanent injunction and requires defendants to perform restoration of the violated thirty acres of wetlands and to pay a civil penalty of $10,000 to the U.S. Treasury.

The Department of Justice will receive written comments relating to this consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: David M. Thompson, Attorney, Environmental Defense Section, Environment and Natural Resources Division, U.S. Department of Justice, Room 7120, 10th & Pennsylvania Ave., N.W., Washington, D.C. 20530 and should refer to *United States* v. *Robert Brace and Robert Brace Farms, Inc.,* DJ Reference No. 90–5–1–1–3433.

The consent decree and accompanying exhibit may be examined at the Clerk's Office, United States District Court for the Western District of Pennsylvania, U.S. Courthouse, Erie, Pennsylvania 16501, or a copy may be requested from David M. Thompson, (202) 514–2617.

Anna Wolgast,

Acting Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 96–20536 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petrotechnical Open Software Corporation (''POSC'')

Notice is hereby given that, on July 16, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petrotechnical Open Software Corporation (''POSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following additional parties have become new non-voting members of POSC: Revere Incorporated, Birmingham, AL; EDS International BV, Rotterdam, the Netherlands; TriTeal Corporation, Carlsbad, CA; Aangstrom Precision Corporation, Mt. Pleasant, MI; and Directorate General of Hydrocarbons, New Delhi, INDIA.

No other changes have been made in either the membership or planned activity of POSC.

On January 14, 1991, POSC filed its original notifications pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on February 7, 1991, (56 FR 5021). The last notification was filed with the Department on April 22, 1996. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on May 16, 1996, (61 FR 24807).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–20537 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

EIS I and II Supplementation

AGENCY: Drug Enforcement Administration, United States Department of Justice.

ACTION: Notice of intent to supplement programmatic environmental impact statements and explanation of the scope of study.

SUMMARY: A supplement to the programmatic environmental impact statements on eradication of Cannabis on Federal Lands in the continental United States (DEA–EIS–1), finalized in July 1985, and on Eradication of Cannabis on Non-Federal and Indian Lands in the Contiguous United States and Hawaii (DEA–EIS–2), finalized in May 1986, will be prepared. The supplement will consider current data pertinent to chemical treatment alternatives and techniques that have been developed in the past decade. Comments on this notice are welcome.

DATES: This order is effective August 13, 1996.

FOR FURTHER INFORMATION CONTACT: James E. Cappola, Chief, State and Local Programs Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–8918.

SUPPLEMENTARY INFORMATION: The records of decision executed for the Cannabis eradication programmatic impact statements adopted the preferred alternative of operational flexibility which gives planners and decision makers at the action level the leeway to choose eradication techniques best suited to the situation from the standpoint of both efficacy and respect for the quality of the human environment. Those choices invariably are informed by environmental assessment processes tiered to the programmatic documentation. This approach to planning and decision making has enabled law enforcement officials to be responsive to everchanging circumstances in the field while remaining sensitive to local environment concerns.

Regulations implementing the National Environmental Policy Act call for the preparations of supplements to environmental concerns and bearing on the program or its impacts. 40 CFR 1502.9(c)(1)(ii). In the decade that has passed since the impact statements were finalized, considerable additional data about treatment alternatives employed in the Cannabis eradication program have been generated. New chemical treatment alternatives and techniques may also be available for use in the program. The supplement announced here will consider these issues, update analyses relative to environmental consequences of the program, and, to the extent warranted, modify the menu of treatment alternatives and mitigation options from which planners and decision makers may choose at the action level.

Dated: August 7, 1996.

Harold D. Wankel,

Chief of Operations.

[FR Doc. 96–20611 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–09–M

Office of Justice Programs

National Institute of Justice

[OJP (NIJ) No.1095]

[RIN 1121–ZA45]

National Institute of Justice Solicitation for Evaluation of Arrest Policies Program

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of solicitation.

SUMMARY: Announcement of the availability of the National Institute of Justice ''Solicitation for the Evaluation of Arrest Policies Program.''

DATES: The deadline for receipt of proposals is close of business on September 6, 1996.

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Angela Moore Parmley at 202–307–0145 or Bernard Auchter at 202–307–0154.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1994).

Background

The National Institute of Justice is soliciting proposals for the evaluation of arrest policies programs funded by the Office of Justice Programs in 1996 under the Violence Against Women Act, Title IV of the Violent Crime Control and Law Enforcement Act of 1994. The request responds to the need for research to assess the effectiveness of arrest in the context of a systemwide, coordinated approach to domestic violence. Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of ''Solicitation for Evaluation of Arrest Policies Program'' (refer to document no. SL000175). The solicitation is available electronically via the NCJRS Bulletin Board, which can be accessed via Internet. Telnet to ncjrsbbs.ncjrs.org, or gopher to ncjrs.org:71. For World Wide Web access, connect to the NCJRS Justice Information Center at http://www.ncjrs.org. Those without Internet access can dial the NCJRS Bulletin Board via modem: dial 301–738–8895. Set the modem at 9600 baud, 8–N–1.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 96–20565 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–18–P

National Institute of Justice

[OJP (NIJ) No.1096]

RIN 1121–ZA46

National Institute of Justice Solicitation for Evaluations of the Residential Substance Abuse Treatment for State Prisoners Program

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of solicitation.

SUMMARY: Announcement of the availability of the National Institute of Justice ''Solicitation for Evaluations of the Residential Substance Abuse Treatment for State Prisoners Program.''

DATES: The deadline for receipt of proposals is close of business on September 4, 1996.

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Tawana Waugh, U.S. Department of Justice Response Center, at 800–421–6770 (in Metropolitan Washington, DC, 202–307–1480).

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1994).

Background

The Violent Crime Control and Law Enforcement Act of 1994 authorizes programs to support both treatment and punishment of drug-using and violent offenders. The Residential Substance Abuse Treatment for State Prisoners Formula Grant Program, created by Subtitle U of the Act, addresses the treatment goal by providing funding for the development of substance abuse treatment programs in State and local

correctional facilities. States are encouraged to adopt comprehensive approaches to substance abuse treatment for offenders, including relapse prevention and aftercare services. Program grant awards will be made to the State office that is designated under Section 507 of the Omnibus Crime Control and Safe Streets Act to administer the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The National Institute of Justice (NIJ) is soliciting proposals for evaluations of the Residential Substance Abuse Treatment for State Prisoners Program. It is anticipated that up to ten awards will be made for local evaluations of programs in individual States participating in the Program. Each of these awards is expected to be funded for up to $50,000 for a period of up to 15 months. Researchers will be eligible to conduct at most one local evaluation in collaboration with the appropriate state agencies; these funds are intended to encourage multiple, non-redundant evaluations and build research capacity in this topic area. It is anticipated that one award will be given to conduct a national evaluation, that the amount of this award will be up to $500,000 and that the duration will be up to 24 months. Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of ''Solicitation for Evaluations of the Residential Substance Abuse Treatment for State Prisoners Program'' (refer to document no. SL000176). The solicitation is available electronically via the NCJRS Bulletin Board, which can be accessed via Internet. Telnet to ncjrsbbs.ncjrs.org, or gopher to ncjrs.org:71. For World Wide Web access, connect to the NCJRS Justice Information Center at http://www.ncjrs.org. Those without Internet access can dial the NCJRS Bulletin Board via modem: dial 301–738–8895. Set modem at 9600 baud, 8–N–1.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 96–20566 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–18–P

Office of Juvenile Justice and Delinquency Prevention

[OJP No. 1097]

ZRIN 1121-ZA47

Notice of Meeting of the Coalition for Juvenile Justice

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is announcing the meeting of the Coalition for Juvenile Justice.

DATES: This conference will begin at 9:00 a.m. on September 5, 1996, and end at 12:00 noon on September 8, 1996.

FOR FURTHER INFORMATION CONTACT: Freida Thomas, 202–307–5924, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Room 543, Washington, D.C. 20531.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. app. I), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) announces the meeting of the Coalition for Juvenile Justice. This conference will begin at 9:00 a.m. on September 5, 1996, and end at 12:00 noon on September 8, 1996. This advisory committee, chartered as the Coalition for Juvenile Justice, will meet at the DoubleTree Hotel at Horton Plaza, 910 Broadway Circle, San Diego, California 92101. The purpose of this meeting is to discuss and adopt recommendations from members regarding the committee's responsibility to advise the OJJDP Administrator, the President and the Congress about State perspectives on the operation of the OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention.

This meeting will be open to the public.

Dated: August 8, 1996.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 96–20607 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–18–P

Agency Information Collection Activities: Proposed collection; Comment Request

AGENCY: Office of Justice Programs, Justice.

ACTION: Notice of Information Collection Under Review; Individual Gang Member Interview and Associated Tests, Evaluation of the ''Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program''.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20503. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534. Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of information collection : New Collection.

(2) The title of the form/collection: Individual Gang Member Interview and Associated Tests, Evaluation of the ''Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression Program''

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: None. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: Not-for-Profit Institutions. Other: State, Local, or Tribal Government. The study will obtain interview and test information on youth background, social adjustment, deviancy/crime activity, self-esteem, and depression/personality adjustment. It will determine the effectiveness of the program, comparing program subjects to non-program gang youth of the same ages, approximately 13 to 20 years old, and their backgrounds.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 1,227 responses at 2 hours, per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 2,454 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: August 7, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–20553 Filed 8–12–96; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Program Manager of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes actions pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment of after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Program Manager of OTAA at the U.S. Department of Labor (DOL) in Washington, D.C. provided such request is filed in writing with the Program Manager of OTAA not later than August 23, 1996.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Program Manager of OTAA at the address shown below not later than August 23, 1996.

Petitions filed with the Governors are available for inspection at the Office of the Program Manager, OTAA, ETA, DOL, Room C–4318, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of August, 1996.

Russell Kile,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received at governor's office	Petition No.	Articles produced
Allan Division of DeTrebor Allan Inc. (Wkrs).	Reading, PA	07/15/96	NAFTA–01131	Chocolate.
Dale Electronics (Wkrs)	Bradford, PA	07/16/96	NAFTA–01132	Electronics.
MX5 Brahmans (Co.)	Robinson, TX	07/15/96	NAFTA–01133	Ranch Cattle.
Rives Associated Companies; W and J Rives, Inc. (Co.).	High Point, NC	07/15/96	NAFTA–01134	Clothing.
Westbrook Wood Products (Wkrs)	Coquille, OR	07/16/96	NAFTA–01135	Wood.
The Safety Stitch (Co.)	Harrisville, WV	07/11/96	NAFTA–01136	Clothing.
Union Pacific Railroad ()	Portland, OR	07/16/96	NAFTA–01137	Natural gas.
United Technologies Automotive (Co.)	Newton, IL	07/15/96	NAFTA–01138	Electronic wiring harnesses.
Evanite Fiber Corp. (Wkrs)	Corvallis, OR	07/17/96	NAFTA–01139	Micro porous battery separator membrane.
Tyler Pipe Industries (Wkrs)	Swan, TX	07/18/96	NAFTA–01140	Running floor, floor drains and roof drains.
Strick Corporation (Co.)	Casa Grande, AZ	07/18/96	NAFTA–01141	Semi-trailers.
Bethleham Steel Corporation ()	Bethlehem, PA	07/17/96	NAFTA–01142	I beam, wide flange.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received at governor's office	Petition No.	Articles produced
Palm Springs Golf (Wkrs)	Cathedral City, CA	07/18/96	NAFTA–01143	Golf clubs.
Burlington Industries (Wkrs)	Wake Forest, NC	07/22/96	NAFTA–01144	Knitted fabrics.
Fieldcrest Cannon Mills; Plant #19 (Wkrs)	York, SC	07/22/96	NAFTA–01145	Terry cloth.
Technical Ceramics Laboratories (Wkrs)	Alpharetta, GA	07/22/96	NAFTA–01146	Ceramic pistons and sleeves for beverage dispensing.
Gold, Inc., D/B/A Gold Bud; Sewing Department (Wkrs).	Aurora, CO	07/22/96	NAFTA–01147	Sewing dept. car seat covers.
OshKosh B'Gosh, Inc. (Wkrs)	Celina, TN	07/23/96	NAFTA–01148	Chukdrebn's casual wear.
Crown Pacific (Wkrs)	Redmond, OR	07/24/96	NAFTA–01149	Plywood.
Keystone Transformer Company (Wkrs)	Pennsburg, PA	07/25/96	NAFTA–01150	Transformers.
Dive N Surf, Inc.; DBA Body Glove International (Co.).	Torrance, CA	07/25/96	NAFTA–01151	Wetsuits.
Shell Chemical Company (Co.)	Apple Grove, WV	07/23/96	NAFTA–01152	Polyester resins.
Cannor Forest Industries, Inc. (IAMAW)	Wakefield, MI	07/19/96	NAFTA–01153	Lumber.
Future Electronics (Wkrs)	Portland, OR	07/26/96	NAFTA–01154	Electronic components.
The Olga Company (Co.)	Sanda Paula, CA	07/29/96	NAFTA–01155	Sewing production.
Hallelujah Logging (Co.)	Lakeview, OR	07/25/96	NAFTA–01156	Logs.
Disk Maintenance; DBA Circuit Test, Inc. (Co.).	Haverhill, MA	07/25/96	NAFTA–01157	Repairs computer monitors.
TriTech Tool and Design Co. (Co.)	South Bound Brook, NJ	07/25/96	NAFTA–01158	Plastic adapter parts.
Runny Mede Mills (Co.)	Tarboro, NC	07/26/96	NAFTA–01159	Hosiery.
Sun Broom Co. (Wkrs)	Mahoon, IL	07/31/96	NAFTA–01160	Broom.
Devro Teepak, Inc. (Wkrs)	Danville, IL	07/31/96	NAFTA–01161	Meat casing.
Woodbridge Group; Cartex Corporation ()	Fairless Hills, PA	08/02/96	NAFTA–01162	Urethane foam truck and car seats.
Remington Arms Company ()	Ilion, NY	08/02/96	NAFTA–01163	Shotguns.
Dura-Bond Industries; Dura-Bond Coating, Inc. ().	Highspke, PA	07/31/96	NAFTA–01164	Diameter steel pipe.
Reznor; Unit of Thomas and Betts Corp. ()	Mercer, PA	07/30/96	NAFTA–01165	Heaters.
Fire Mountain Enterprises, Inc. (Co.)	Colstrip, MT	07/23/96	NAFTA–01166	General construction.

[FR Doc. 96–20597 Filed 8–12–96; 8:45 am]
BILLING CODE 4510–30–M

[NAFTA–TAA–00941 and TA–W–32,220]

International Paper Company, Reedsport, Oregon; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Program Manager of the Office of Trade Adjustment Assistance for workers at International Paper Co., Reedsport, Oregon. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

NAFTA–TAA–00941 and TA–W–32,220; International Paper Co., Reedsport, Oregon (July 29, 1996)

Signed at Washington, D.C. this 29th day of July, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–20601 Filed 8–12–96; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–31, 936]

Boise Cascade Corporation, Vancouver, Washington; Notice of Negative Determination on Reconsideration

On June 17, 1996, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The petitioner presented evidence that the Department's analysis of U.S. imports of pulp, and all paper products produced at the subject firm was incomplete. This

notice was published in the Federal Register on July 3, 1996 (61 FR 34876).

The Department's initial denial workers were denied TAA because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The investigation revealed that none of the customers imported carbonless or other specialty paper products in the time period relevant to the investigation.

The petitioner claims that the Department's investigation did not evaluate imports of base sheet paper or market pulp.

Findings on reconsideration show that Boise Cascade's Vancouver mill produces pulp and base sheet paper for internal use only. The subject firm did not sell base sheet paper or pulp to its customers.

In order to determine worker eligibility, the Department must examine imports of products like or directly competitive with those articles produced at the Vancouver mill. In this case, the products produced at Vancouver were carbonless and other specialty paper products. Base sheet paper and pulp cannot be considered like or directly competitive with the end products produced and sold at the Vancouver mill.

The petitioner alleges that some competitors of Boise Cascade import the base sheet paper which is used to manufacture the carbonless and speciality paper. The source of raw materials used by Boise Cascade or its competitors to produce the finished product is irrelevant to the investigation.

The petitioner claims that the Department did not examine the general effect of increased imports on the overall domestic pulp and paper markets or methods of production involved in making and marketing of specialty grade paper. During the course of an investigation to determine worker group eligibility, the Department does not conduct an industry study, but limits its investigation to the impact of imports specific to the products produced and sold by the worker's firm.

The Trade Act was not intended to provide TAA benefits to everyone who is in some way affected by foreign competition but only to those who experienced a decline in sales or production and employment and an increase in imports of like or directly competitive products which ''contributed importantly'' to declines in sales or production and employment.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Boise Cascade Corporation, Vancouver, Washington.

Signed at Washington, D.C., this 31st day of July 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–20603 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30, 896 & 896A]

Phillips Petroleum Company, Exploration and Production Group (DBA Exploration Division and North American Production Division) (Including General Counsel) and GPM Gas Services Company, Bartlesville, Oklahoma; All Other Locations in Oklahoma; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 3, 1995, applicable to all workers of Phillips Petroleum Company, Exploration and Production Group, dba Exploration Division and North American Production Division, Bartlesville, Oklahoma, all other Oklahoma locations, and other locations in various States. The notice was published in the Federal Register on May 17, 1995 (60 FR 26459). The worker certification was amended May 23, 1996 to include the General Counsel worker group, and amended again on July 3, 1996 to include the workers of GPM Gas Services Company. The notices were published in the Federal Register on June 6, 1996 (61 FR 28901), and July 23, 1996 (61 FR 38222), respectively.

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. The GPM Gas Services Company operating at various locations in the State of Oklahoma were not explicitly cited in the certification. However, new findings show that GPM is a separate division of Phillips Petroleum Company. Employees of GPM process natural gas and extract natural gas liquids.

The intent of the Department's certification is to include all workers of Phillips Petroleum adversely affected by imports of crude oil and natural gas. Accordingly, the Department is amending the worker certification to specifically provide coverage to GPM Gas Services Company located in Bartlesville and other locations within the State of Oklahoma.

The amended notice applicable to TA–W–30,896 is hereby issued as follows:

All workers of Phillips Petroleum Company, Exploration and Production Group, dba Exploration Division and North American Production Division, Including General Counsel, and GPM Gas Services Company, Bartlesville, Oklahoma (TA–W–30,896), and all other locations in the State of Oklahoma, who became totally or partially separated from employment on or after March 23, 1994, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of July 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–20602 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address show below, not later than August 23, 1996.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address

shownn below, not later than August 23, 1996.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of July, 1996.

Russell Kile,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED ON 07/29/96

TA–W	Subject firm (petitioners)	Location	Date of petition	Products
32,584	Tyler Pipe Industries (Wkrs)	Swan, TX	06/24/96	Floor & Roof Drains.
32,585	Bradford Electronics (Wkrs)	Bradford, PA	06/06/96	Chip Inductors.
32,586	Klear-Knit, Inc (Wkrs)	Florence, SC	07/17/96	T. Shirts, Turtle Necks, Dresses.
32,587	Goodyear Tire and Rubber (USW)	Green, OH	07/15/96	Air Springs, Shock Sleeves.
32,588	Burlington Industries (Co.)	Greensboro, NC	07/19/96	Yarn & Piece Dyed Knitted Fabrics.
32,589	Northern Engraving (Wkrs)	LaCrosse, WI	07/07/96	Engraved Products.
32,590	Goodyear Tire and Rubber (OCAW)	Niagara Falls, NY	07/05/96	Vinyl Resins for Auto, Gloves, etc.
32,591	Island Falls Cedar Prod. (Wkrs)	Island Falls, ME	07/10/96	Cedar Wood Products.
32,592	Evanite Fiber Corporation (Wkrs)	Corvallis, OR	06/28/96	Micro-Porous Battery Seperator Membrane.
32,593	Connor Forest Industries (Wkrs)	Wakefield, MI	07/12/96	Hardwood Lumber.
32,594	C-Cor Electronics (Wkrs)	Reedville, PA	07/15/96	Electronic Amplifiers for Cable Networks.
32,595	Fieldcrest Cannon Mill (Wkrs)	York, SC	07/09/96	Terry Cloth.
32,596	Top This, Inc. (Wkrs)	Vienna, MO	07/18/96	Ladies' Millinery.
32,597	Medical Innovations (Wkrs)	Ventura, CA	07/18/96	Catheters & Endoscopic Equipment.
32,598	Strick Corporation (Co.)	Casa Grande, AZ	07/18/96	Truck Trailers, Container Chassis.
32,599	Pella Manufacturing, Inc (UFCW)	Pella, IA	07/18/96	Work Shirts, Shop & Lab Coats.
32,600	J.K. Operating Corp. (UNITE)	Kulpmont, PA	07/19/96	Warehouse/Dist.—Ladies' Nightwear.
32,601	Morgan Lumber Company (Co.)	Jackson, TN	07/17/96	Wood Dowels.
32,602	Energy Efficient Products (Wkrs)	Bellevue, OH	07/15/96	Mounts for General Electric.
32,603	Allergan (Comp)	Waco, TX	07/11/96	Contact Lens Care Products.

[FR Doc. 96–20598 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,025]

Winona Knitting Mills, Inc., Berwick Knitwear, Berwick, Pennsylvania; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Revised Determination on Reconsideration concerning eligibility to apply for worker adjustment assistance on May 3, 1996, applicable to all workers of Winona Knitting Mills, Formerly Komar & Sons Berwick Knitwear, located in Berwick, Pennsylvania. The notice was published in the Federal Register on May 24, 1996 (FR 61 26222).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that the Department set the incorrect impact date for the worker certification. Other findings show that all workers of Komar & Sons were separated from employment on March 2, 1995, when the company closed its Berwick, Pennsylvania production facility. Those workers did not file a TAA petition, and should not be included in this worker group certification. Winona Knitting Mills purchased the Berwick production facility from Komar & Sons on March 3, 1995, and on March 6, 1995 reopened the plant and hired some of the former Komar & Sons employees. Accordingly, the Department is amending the worker certification to exclude workers who were separated from Komar & Sons, and change the impact date from February 26, 1995, to March 6, 1995, the date the Winona Knitting Mills began their production operations in Berwick, Pennsylvania.

The intent of the Department's certification is to cover only those workers of Winona Knitting Mills adversely affected by increased imports.

The amended notice applicable to TA–W–32,025 is hereby issued as follows:

All workers of Winona Knitting Mills, Berwick Knitwear, Berwick, Pennsylvania, who became totally or partially separated from employment on or after March 6, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of July 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–20599 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–30–M

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Extension of the Unemployment Insurance (UI) Title XII Advances Process

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the process for requesting advances from the Federal Unemployment Account (FUA) and repayment of such advances under Title XII of the Social Security Act (SSA). Technically, there is

no request for information. There is, however, a paperwork burden on States because they must prepare and transmit formal requests for the authority to request advances and the repayment of said advances.

A copy of the proposed procedure can be obtained by contacting the addressee listed below.

DATES: Written comments must be submitted on or before October 15, 1996.

Written comments should:

—Evaluate whether the proposed extension of the current procedure is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed extension of the current procedure, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the procedure; and

—Minimize the burden of the procedure on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESSES: James E. Herbert, Unemployment Insurance Service, Employment and Training Administration, Department of Labor, Room C 4514, 200 Constitution Ave, N.W., Washington, D.C. 20210; 202 219–5309 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Title XII Section 1201 of the SSA provides for advances to States from the FUA. The law further sets out specific requirements to be met by a State requesting an advance:

- The Governor must apply for the advance;
- The application must cover a three month period and the Secretary of Labor must be furnished with estimates of the amounts needed in each month of the three month period;
- An application for an advance shall be made on such forms and shall contain such information and data (fiscal and otherwise) concerning the operation and administration of the State unemployment compensation law as the Secretary of Labor deems necessary or relevant to the performance of his duties under this title;
- The amount required by any State for the payment of compensation in any month shall be determined with due allowance for contingencies and taking into account all other amounts that will be available in the State's unemployment fund for the payment of compensation in such month;
- The term ''compensation'' means cash benefits payable to individuals with respect to their unemployment exclusive of expenses of administration.

Section 1202(a) of the SSA provides that the Governor of any State may at any time request that funds be transferred from the account of such State to the FUA in repayment of part or all of the balance of advances made to such State under section 1201. These applications and repayments may be requested by an individual designated for that authority in writing by the Governor. The DOL proposes to extend this procedure through September, 1999.

II. Current Actions

This action is requested to maintain the continuity of current procedures which have succeeded in the orderly application and repayment operations at both the State and Federal levels. This is not a data collection process.

This is a request for OMB approval under the Paperwork Reduction Act of 1995 (44 USC 3506 (c)(2)(A)) of an extension to an existing procedure previously approved and assigned OMB control No. 1205–0199.

Agency: Employment and Training Administration, Department of Labor.

Title: Governor's requests for advances from the Federal unemployment account or requests for voluntary repayment of such advances.

OMB Number: 1205–0199.

Affected Public: State governments (State Employment Security Agencies).

Total Respondents: 50 States, Washington, D.C., the Virgin Islands, and Puerto Rico are covered by this process. The DOL estimates that one State will be requesting advances and making repayments in FY 1997. Absent recessionary periods in FY 1998 and FY 1999, an average of two States per year will be doing so. During the last recession, six states requested advances.

Frequency: As needed, based on a State's discretion.

Average Time Per Response: 1 hour.

Estimated Total Burden Hours: 5 State/years × 14 responses (4 requests for advances and 10 repayments) × 1 hour=70 burden hours.

Estimated Total Burden Cost: 70 hours × $27.75=$1,942.50.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 5, 1996.

Mary Ann Wyrsch,

Director, Unemployment Insurance Service.

[FR Doc. 96–20604 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–30–M

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Youth Opportunity Area Pilot

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning proposed information collection on the Youth Opportunity Area Pilot. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before October 15, 1996. Written comments should:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions use;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESSES: David Lah, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–5637, Washington, D.C. 20210, 202–219–5782.

SUPPLEMENTARY INFORMATION:

Background

The Youth Opportunity Area Pilot is an attempt on the part of the Department of Labor to improve the labor market prospects of out-of-school youth in a small number of high poverty areas. In this pilot, funds will be provided to three Opportunity Areas, one each in the cities of Chicago, Los Angeles and Houston, to expand employment, education, and training opportunities for out-of-school youth ages 16–24, with priority given to high school dropouts. Each Opportunity Area will consist of an identified target area within a designated empowerment zone (EZ) or enterprise community (EC) with a population of between 10,000 and 20,000 persons and a poverty rate in the 1990 Census that is among the highest in the EZ/EC. Under this evaluation, a baseline youth employment rate will be determined for the three Opportunity Areas. This will be compared to an employment rate similarly calculated at the end of the pilot to determine its impact on the ability of youth in these areas to find jobs. In addition, information will be collected on whether the subject young people are parents and on any exposure they may have had to the criminal justice system.

Type of Review: Paperwork Reduction.

Agency: Employment and Training Administration.

Title: Youth Opportunity Area Pilot.

Affected Public: Individuals and households.

Total Respondents: 720.

Frequency: One follow-up survey.

Total Responses: 1440.

Average Time Per Response: One-half hour.

Estimated Total Burden Hours: 720.

Estimated Total Burden Cost: $380,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 7, 1996.

Gerard F. Fiala,

Administrator, Office of Policy and Research.

[FR Doc. 96–20606 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00838]

Winona Knitting Mills, Inc., Berwick Knitwear, Berwick, Pennsylvania; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Revised Determination on Reconsideration concerning eligibility to apply for NAFTA-Transitional Adjustment Assistance on May 8, 1996, applicable to all workers of Winona Knitting Mills, Berwick Knitwear, Formerly Komar & Sons Berwick Knitwear, located in Berwick, Pennsylvania. The notice was published in the Federal Register on May 24, 1996 (FR 61 26224).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that the Department set the incorrect impact date for the worker certification. Other findings show that all workers of Komar & Sons were separated from employment on March 2, 1995, when the company closed its Berwick, Pennsylvania production facility. Those workers did not file a TAA petition, and should not be included in this worker group certification. Winona Knitting Mills purchased the Berwick production facility from Komar & Sons on March 3, 1995, and on March 6, 1995 reopened the plant and hired some of the former Komar & Sons employees. Accordingly, the Department is amending the worker certification to exclude workers who were separated from Komar & Sons, and change the impact date from February 26, 1995, to March 6, 1995, the date the Winona Knitting Mills began their production operations in Berwick, Pennsylvania.

The intent of the Department's certification is to cover only those workers of Winona Knitting Mills adversely affected by increased imports from Mexico and Canada.

The amended notice applicable to NAFTA–00838 is hereby issued as follows:

All workers of Winona Knitting Mills, Berwick Knitwear, Berwick, Pennsylvania, who became totally or partially separated from employment on or after March 6, 1995, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 30th day of July 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–20600 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Proposed Collection: Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [U.S.C. 3506 (c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Occupational Safety and Health Administration is soliciting comments concerning the proposed extension of the information collection request for The 13 Carcinogens Standard § 1910.1003. On March 7, 1996, OSHA published a final rule entitled Miscellaneous Minor and Technical Amendments; Final rule (61 FR 9229). As part of this final, the 13 separate carcinogen standards were combined into one standard entitled ''13 carcinogens.'' This information collection request combines the following 13 collections into one package: § 1910.1003 4-Nitrobiphenyl (1218–0085); § 1910.1004 alpha-Naphthylamine (1218–0084); § 1910.1006 Methylchloromethyl ether (1218–0086); § 1910.1007 3,3′-Dichlorobenzidine (and its salts) (1218–0083); § 1910.1008 bis-Chloromethyl ether (1218–0087); § 1910.1009 beta-Naphthylamine (1218–0089); § 1910.1010 Benzidine (1218–0082); § 1910.1011 4-Aminodiphenyl (1218–0090); § 1910.1012 Ethyleneimine (1218–0080); § 1910–1013 beta-Propiolactone (1218–0079); § 1910.1014 2-Acetylaminofluorene (1218–0088); § 1910.1015 4-

Dimethylaminoazobenzene (1218–0044); § 1910.1016 N-Nitrosodimethylamine (1218–0081).

A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 15, 1996. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–96–11, U.S. Department of Labor, Room N–2625, 200 Constitution Ave. NW, Washington, D.C. 20210, telephone (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed immediately to persons who request copies by telephoning Vivian Allen at (202) 219–8076.

SUPPLEMENTARY INFORMATION:

I. Background

The 13 Carcinogens Standard is designed to provide protection for employees from the adverse health effects associated with occupational exposure to the aforementioned 13 carcinogens. The standard requires employers to develop signs and labels to warn employees about the hazards associated with the 13 carcinogens. Employers must provide training to employees prior to being authorized to enter regulated areas. Also employers are required to notify OSHA area directors of regulated areas, changes to regulated areas, and of incidents/emergencies. A medical surveillance program for employees considered for assignment to enter regulated areas must also be established and implemented.

II. Current Actions

This notice requests an extension of the current OMB approval of the paperwork requirements contained in the separate 13 carcinogen information collection requests. However, since the 13 carcinogens have been combined into one standard, the Agency is requesting clearance for the 13 carcinogens under one package, OMB clearance number 1218–0085. Extension is necessary to provide continued protection to employees from the health effects associated with occupational exposure to the 13 carcinogens.

Type of Review: Extensions.

Agency: Occupational Safety and Health Administration.

Title: the 13 Carcinogens Standard.

OMB Number: 1218–0085.

Agency Number: Docket Number ICR–96–11.

Affected Public: Business or other for-profit, Federal government and State, Local or Tribal governments.

Total Respondents: 97.

Frequency: On occasion.

Total Responses: 1,606.

Average Time per Response: Time per response ranges from 5 minutes to maintain records to five hours to develop an emergency/incident report.

Estimated Total Burden Hours: 2,569.

Estimated Capital, Operation/Maintenance Burden Cost: $82,875

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 7, 1996.

Adam M. Finkel,

Director, Directorate of Health Standards Programs.

[FR Doc. 96–20605 Filed 8–12–96; 8:45 am]

BILLING CODE 4510–26–M

LEGAL SERVICES CORPORATION

Audit Guide for LSC Recipients and Auditors

AGENCY: Legal Services Corporation.

ACTION: Proposed revisions to the LSC Audit Guide for Recipients and Auditors.

SUMMARY: The Legal Services Corporation (LSC) hereby publishes for comment by interested parties proposed revisions to the November 1995 LSC Audit Guide for Recipients and Auditors. The proposed revisions incorporate the audit requirements and additional provisions imposed by Congress through 110 Stat. 1321 (1996). There will be seven appendices to the revised Audit Guide, which in themselves establish no new rules, regulations or guidelines for recipients and auditors.

DATES: Comments should be received in writing on or before September 12, 1996. Late comments will be considered to the extent practicable. Where possible comments should reference applicable paragraph numbers in the proposed revision. To facilitate conversion of the comments in computer format for analysis, respondents are asked to send a copy of the comments on either a 3.5 or 5.25 inch diskette in ASCII format.

ADDRESSES: Comments should be submitted to the Office of Inspector General, Legal Services Corporation, 750 First St., N.E., 10th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Karen M. Voellm, Chief of Audits (202) 336–8812.

SUPPLEMENTARY INFORMATION: Section 1009(c)(1) of the Legal Services Corporation Act, 42 U.S.C. 2996h(c)(1), requires that the Corporation either directly ''conduct, or require each grantee, contractor, or person or entity receiving financial assistance'' from the Corporation to provide for an annual financial audit. LSC's FY 1996 appropriation act, 110 Stat. 1321 (1996), declared that audits conducted pursuant to the provisions of Section 509 of that Act shall be in lieu of the financial audits otherwise required by Section 1009(c) of the LSC Act. In addition, Congress: (1) Mandated that routine on-site monitoring of grantee compliance be accomplished through annual audits conducted by independent public accountants (IPAs or auditors), 110 Stat. 1321, section 509 (a) and (c); (2) provided that such audits be conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States, under the guidance established by the OIG, 110 Stat. 1321, section 509(a); (3) increased the restrictions and prohibitions on the types of activities in which recipients may engage, 110 Stat. 1321, sections 504–508; and (4) established special requirements for interim reporting by recipients on noncompliance with laws and regulations identified by their IPAs during the course of the audit, thereby placing special emphasis on recipients'

compliance with laws and regulations, 110 Stat. 1321, sec. 509(b). Congress also made sanctions available to the Corporation and the OIG for audits that were not conducted in accordance with the guidance established by the OIG, 110 Stat.1321, sec. 509(c). The proposed revisions to the Guide incorporate these requirements. The proposed revisions include, but are not limited to: (1) Interim reporting requirements by the recipient on instances of noncompliance found by the auditor during the course of the audit; (2) changes to the submission date for audit reports; and (3) additional reports/notifications from the auditor.

There will be seven appendices to the Audit Guide. One of the appendices to the Audit Guide will be a revised Compliance Supplement which will identify additional regulations that the auditor should examine in the course of the recipient's annual audit and will contain suggested audit procedures for the auditor to assess compliance with applicable laws and regulations. The other appendices will include a sample audit agreement, a Guide for Procurement of Audit Services, a summary findings form, the recipient's and the auditor's 5-day notification to the OIG of the auditor's special report on noncompliance with laws and regulations, and the auditor's notification on cessation of services. Because the appendices themselves establish no new rules, regulations, or guidelines for recipients, they are not published for comment and will be promulgated without formal adoption by the Corporation's Board of Directors.

For the reasons set forth above, LSC proposes the Audit Guide to read as follows:

Legal Services Corporation

Audit Guide for Recipients and Auditors

Foreword

Under the Legal Services Corporation (LSC) Act, LSC provides financial support to organizations that furnish legal assistance to eligible clients. Section 1009(c) of the LSC Act requires that LSC either conduct or require each recipient of LSC funds to provide for an annual financial statement audit. In 1995, LSC promulgated an Audit Guide to replace the audit portions of both the original and the 1986 LSC Audit and Accounting Guide for Recipients and Auditors. The 1995 Guide required that recipient audits be conducted in accordance with Office of Management and Budget Circular A–133, Audits of Institutions of Higher Education and Other Nonprofit Institutions.

In 1996, pursuant to 110 Stat. 1321 (1996) (Pub. L. 104–134), Congress:

1. Mandated that routine on-site monitoring of grantee compliance be accomplished through annual audits conducted by independent public accountants (IPAs or auditors);

2. Provided that such audits be conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States, under the guidance established by the OIG;

3. Declared that audits conducted pursuant to the provisions of Section 509 shall be in lieu of the financial audits otherwise required by Section 1009(c) of the LSC Act;

4. Increased the restrictions and prohibitions on the types of activities in which recipients may engage; and

5. Established special requirements for interim reporting by recipients on noncompliance with laws and regulations identified by their IPAs during the course of the audit, thereby placing special emphasis on recipients' compliance with laws and regulations.

This legislation contains substantial and fundamental changes in the law governing grants to LSC recipients. It incorporates restrictions in the legal work LSC recipients may participate in, and changes the way compliance with these restrictions will be monitored. The IPA's special attention is directed to Appendix A, the Compliance Supplement, in planning the audit. The Compliance Supplement identifies by asterisk (*) practice restrictions that are considered material to the LSC program. Because of the increased reliance on IPAs for assessing recipients' compliance with these restrictions, the OIG is planning a heightened quality assurance review program. The overall objective of the quality assurance review program is to ensure the quality of the auditor's work, and it will focus on, among other things, the auditor's testing of compliance with laws and regulations and related internal controls.

Pursuant to the audit requirements of 110 Stat. 1321 (1996), LSC is promulgating this revised Audit Guide. Seven appendices have been attached to this Audit Guide for use by recipients and auditors, as follows:

Appendix A—The Compliance Supplement provides notice to both recipients and their auditors of the specific LSC regulations which are to be tested for compliance. The Compliance Supplement will change as LSC rules, regulations and guidelines are adopted, amended or revoked, but it establishes no new rules, regulations or guidelines itself.

Appendix B—A Sample Audit Agreement contains mandatory and suggested provisions which recipients should consider incorporating into their audit agreements.

Appendix C—A Guide for Procurement of Audit Services prepared by the LSC Office of Inspector General (OIG) in the spring of 1994 and revised in 1995. This Guide is intended to assist recipients in planning and procuring audit services.

Appendix D—A Summary Findings Form on Noncompliance with Laws and Regulations, Questioned Costs and Reportable Conditions, along with instructions.

Appendix E—The Recipient 5-day Letter to the OIG of the IPA's ''Special Report on Noncompliance with Laws and Regulations'' (''Recipient 5-day Letter'').

Appendix F—The Auditor 5–Day Letter to the OIG of the IPA's ''Special Report on Noncompliance with Laws and Regulations'' not Reported by Recipient (''Auditor 5–Day Letter'').

Appendix G—The Auditor Notification on Cessation of Services.

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Appendix G—Auditor Notification on Cessation of Services

Note: Appendixes A–G do not appear in the Federal Register. See **SUPPLEMENTARY INFORMATION.**

Authorities: The Legal Services Corporation Act of 1974, as amended, § 1008 (a) and (b), (42 U.S.C. 2996g (a) and (b)); § 1009(c)(1), (42 U.S.C. 2996h(c)(1)); and § 1010(c), (42 U.S.C. 2996i(c)); The Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, § 4(a)(1); and § 4(b)(1); 110 Stat. 1321 §§ 501–509 (1996).

I. Introduction

The Office of Inspector General (OIG) of the Legal Services Corporation (LSC) is responsible for establishing and interpreting LSC audit policy pursuant to the Inspector General Act of 1978, as amended, and the LSC Board of Directors' resolution of May 13, 1995. In 1996, pursuant to the requirements of Section 509 of 110 Stat. 1321 (1996), Congress: (1) Mandated that routine on-site monitoring of grantee compliance be accomplished through annual audits conducted by IPAs; (2) increased the restrictions and prohibitions on the types of activities in which recipients may engage; (3) increased the OIG responsibility for oversight; and (4) declared that the audits conducted pursuant to Section 509 of 110 Stat. 1321 (1996) were in lieu of the financial audits otherwise required by the LSC Act section 1009(c). This Guide incorporates those requirements. The OIG will examine the audits to identify noncompliance with laws and regulations, questioned costs and reported control deficiencies. Program-related findings and issues identified in the review of the audit reports will be forwarded to management for action.

I–1. Purpose

This Audit Guide provides a uniform approach for audits of LSC recipients and describes recipients' responsibilities with respect to the audit. The Audit Guide is to be used in conjunction with the Compliance Supplement (Appendix A). The Audit Guide and the Compliance Supplement provide the auditor flexibility in planning and performing the audit, encourage professional judgement in determining the audit steps necessary to accomplish audit objectives, and do not supplant the auditor's judgment of the audit work required in particular situations. Auditors should be aware that all practice restrictions identified in the Compliance Supplement by asterisk (*) are considered material to the program, and the failure of a recipient to comply with the requirements may affect the recipient's eligibility for funding. The suggested procedures included in the Compliance Supplement do not cover all the circumstances or conditions likely to be encountered during the course of an audit.

I–2. Required Standards and Guidance

Audits of recipients, contractors, persons or entities receiving financial assistance from LSC (all hereinafter referred to as ''recipients'') are to be performed in accordance with Government Auditing Standards (GAS or GAGAS) issued by the Comptroller General of the United States; Office of Management and Budget (OMB) Circular A–133, Audits of Institutions of Higher Education and Other Nonprofit Organizations; and this Audit Guide.

For purposes of OMB Circular A–133, the LSC Compliance Supplement is to be followed for LSC funds, and it also includes restrictions and prohibitions on the use of non-LSC funds. Accordingly, the OMB Compliance Supplement for Audits of Institutions of Higher Education and Other Nonprofit Institutions does not apply to LSC funds. Each recipient of LSC funds is required to have a financial audit in accordance with the requirements of this Guide, and such audit shall include an assessment of the recipient's compliance with the laws and regulations identified in the Compliance Supplement (Appendix A).

I–3. Applicability

The requirements of this Audit Guide apply to all recipients and subrecipients of LSC funds, except where specific provisions have been otherwise made through grant or subgrant agreements. This Audit Guide does not apply to grants to law schools, universities or other special grants, which are covered by special provisions. Exceptions to these audit requirements will be determined by the OIG in consultation with LSC management.

I–4. Authority

This Audit Guide has been prepared under the authority provided by the following sections of the LSC Act, the IG Act and 110 Stat. 1321 (1996):

Records and Reports—LSC Act section 1008:

(a) The Corporation is authorized to require such reports as it deems necessary from any recipient, contractor, or person or entity receiving financial assistance under this title regarding activities carried out pursuant to this title.

(b) The Corporation is authorized to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract or terms and conditions upon which financial assistance was provided.

Audit—LSC Act section 1009(c)(1):

The Corporation shall conduct or require each recipient, contractor, or person or entity receiving financial assistance under this title to provide for an annual financial audit.

Recipients' Non-LSC Funds—LSC Act section 1010(c):

Non-Federal funds received by the Corporation, and funds received by any recipient from a source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds. . . .

Duties and Responsibilities—IG Act sections 4(a)(1) and 4(b)(1):

4(a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established—(1) to provide policy direction for and to conduct, supervise, and coordinate audits * * * relating to the programs and operations of such establishment.

4(b)(1) In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall * * * take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General * * *.

Audit Requirements—Section 509 of 110 Stat. 1321, Public Law 104–134 (1996):

(a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a 'recipient') shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—

(1) The financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) The recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) The recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The

recipient shall report in writing any noncompliance found by the auditor during the audit under this section within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient's failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.

(c) The audits required under this section shall be provided for by the recipients and performed by independent public accountants. The cost of such audits shall be shared on a pro rata basis among all of the recipient's funding providers and the appropriate share shall be an allowable charge to the Federal funds provided by the Legal Services Corporation. No audit costs may be charged to the Federal funds when the audit required by this section has not been made in accordance with the guidance promulgated by the Office of the Inspector General. If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector General, the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) The withholding of a percentage of the recipient's funding until the audit is completed satisfactorily.

(2) The suspension of recipient's funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. Any such action to remove, suspend, or bar an auditor shall be only after notice to the auditor and an opportunity for hearing.

The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

(e) Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the recipient shall promptly notify the Office of the Inspector General pursuant to such rules as the Office of the Inspector General shall prescribe.

(f) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(g) The Office of the Inspector General is authorized to conduct on-site monitoring, audits, and inspections in accordance with Federal standards.

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to—

(1) A Federal, State, or local law enforcement official; or

(2) An official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) Follow-up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A–50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

I–5. Effective Date

This Audit Guide is effective for audits of LSC programs for periods ending on or after December 31, 1996, except as otherwise authorized by the Corporation.

I–6. Communicating with the OIG Regarding Audit Matters

Recent legislation has brought a number of changes in the communication needs of recipients, IPAs, and the OIG. Because of these changes, the OIG is making special efforts to facilitate additional communications needs. We are currently expanding the use of electronic reporting by electronic mail through the Internet, as well as providing a World Wide Web page for interactive ''Questions and Answers.''

In addition, the OIG also has a staff of auditors available to answer questions, or address audit issues by telephone or facsimile.

The phone numbers and addresses are: Telephone—(202) 336–8812; Fax—(202) 336–8955; E–Mail—XXX; Internet—http://oig.lsc.gov/

I–7. Revisions to the Guide

The OIG will periodically revise the Audit Guide and its appendices through bulletins or replacement sections. Revisions may reflect changes to public law, corporate regulations, auditing standards, or other guidelines. Revisions should be incorporated into the recipient's copy of the Audit Guide, and furnished to the Independent Public Accountant (IPA) by the recipient. Questions relating to any revisions should be directed to the OIG. Information concerning the Audit Guide and any revisions will be posted periodically and available on the LSC OIG World Wide Web page.

I–8. Cumulative Status of Revisions

Effective date	Description
August 1976	Original Edition of ''Audit and Accounting Guide for Recipients and Auditors'' issued.
June 1977	Revised Original Edition of Audit and Accounting Guide issued.
September 1979	Revision to Pages 4–1 and 6–6.
September 1981	Revision to Pages ii, 4–1, 6–6, VIII–3, and addition of Page 4–2.
January 1, 1986 ...	Revised 1986 Edition of Audit and Accounting Guide Effective.
August 13, 1986	Regulation 1630 Replaces Chapter 4 of both the Original and 1986 Edition of the Audit and Accounting Guide.
December 31, 1995.	Chapter 6 of both Original and 1986 Audit and Accounting Guide replaced by Audit Guide.

Effective date	Description
December 31, 1996.	Revision to November 1995 Audit Guide to adopt audit provisions of 110 Stat. 1321 (1996).

I–9. Responsibilities of Recipients

A. Maintain Adequate Internal Controls

Recipients, under the direction of their boards of directors, are required to establish and maintain adequate accounting records and internal control procedures. Until revised, guidance relating to these responsibilities is found in both LSC's Original and 1986 Edition of the ''Audit and Accounting Guide for Recipients and Auditors,'' referred to in I–8, above.

Internal Control is defined as the process, put in place by the recipient's board of directors, management, and other personnel, designed to provide reasonable assurance of achieving objectives over:

1. Reliability of financial reporting;
2. Compliance with laws and regulations that have a direct and material effect on the program; and any other laws so identified in the Compliance Supplement; and
3. Safeguarding of assets against unauthorized use or disposition.

B. Provide Audited Financial Statements

Recipients are responsible for preparing annual financial statements and arranging for an audit of those statements to be completed and submitted to the OIG within 90 days of the recipients' fiscal year ends. While the recipients' boards of directors have the final responsibility for the appointment of the auditor, pursuant to Section 509(d) of 110 Stat. 1321 (1996), the OIG has direct authority to ''* * * remove, suspend, or bar an independent public accountant, upon showing of good cause, from performing audit services required by this section * * *'', based upon rules of practice to be promulgated by the OIG.

Pursuant to Section 509(c) of 110 Stat. 1321 (1996), the recipient's failure to provide an acceptable audit in accordance with the guidance promulgated by the OIG may result in the following sanctions: (1) The withholding of a percentage of the recipient's funding until the audit is completed satisfactorily; or (2) the suspension of the recipient's funding until an acceptable audit is completed.

A written agreement between the recipient and the IPA must be executed and, at a minimum, should specifically include all matters described in Section II–1 of this Audit Guide (Subsections A through H). Contracts or engagement letters should also contain an escape clause that would allow, without significant penalty, modification or cancellation made necessary by changes in law.

Appendix B is a sample audit agreement that includes the required matters described in Section II–1, and additional provisions which can be used to document the understanding between the recipient and the IPA. Recipients should consider incorporating these additional provisions in their audit agreements.

In procuring audit services, recipients may refer to the Guide for Procurement of Audit Services (Appendix C).

C. Requirements for Recipient 5-Day Reporting to the OIG on Noncompliance with Laws and Regulations

Section 509(b) of 110 Stat. 1321 (1996) states that recipients ''shall report in writing any noncompliance found by the auditor during the audit * * * within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient's failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.''

In fulfilling this requirement, recipients are required to report to the OIG all instances of noncompliance with respect to the practice restrictions identified in the Compliance Supplement as reported by the auditor in accordance with Section II.1.G of this Guide. The recipient must report to the OIG within five (5) business days after receiving the report of noncompliance from the IPA. The recipient's submission to the OIG pursuant to this section should include a transmittal letter, and a copy of the auditor's report to the recipient on the noncompliance (See Appendix E for Recipient 5-Day Letter). Reports submitted pursuant to the requirements of this section must be sent to the OIG by facsimle, E-mail or registered mail. The recipient is also required to simultaneously provide a copy of its report to the OIG to the auditor using the same manner of communication (facsimilie, E-mail or registered mail).

D. Corrective Action Plans

Consistent with Section 509(j) of 110 Stat. 1321 (1996), recipient management shall be responsible for expeditiously resolving all recommendations and audit findings which include: (1) Reportable conditions in internal control; (2) material noncompliance with laws and regulations identified in the LSC Compliance Supplement (Appendix A); and (3) questioned costs, including those of sub-recipients. Recipients are required to develop and submit to the Corporation corrective action plans within 30 days of submission of the audit report to the OIG. The corrective action plan must specifically describe the corrective action taken or planned in response to the recommendations and audit findings identified by the IPA. The corrective action plan must identify: (1) Each finding as reported by the IPA; and (2) the action that will be taken and the date by which it will be taken or completed. If the recipient disagrees with the finding or believes corrective action is not required, it shall provide an explanation and specific reasons (e.g. regulatory or legal requirements) that corrective action is not required. If practical, and as an option, a recipient may incorporate its corrective action plan in its response to the auditor's findings and recommendations. However selection of this option shall not preclude submission of the audit reports within the required time frame, nor serve as a basis for an extension request.

Pursuant to the requirements of Section 509(k)(1) of 110 Stat. 1321 (1996), LSC management has the responsibility for follow-up on ''* * * significant reportable conditions, findings and recommendations found by the independent public accountants and reported to the Corporation management by the Office of Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner * * *'' To facilitate the responsibilities of LSC management and the OIG, recipients are required to submit the corrective action plans to the OIG; the corrective actions plans will be forwarded to LSC management by the OIG.

II. Audit Performance Requirements

II–1. Auditor Requirements

A. Objectives

The primary audit objectives are to determine whether:

1. The financial statements are presented fairly, in all material respects, in conformity with Generally Accepted

Accounting Principles (GAAP), or other Comprehensive Basis of Accounting;

2. The internal control structure provides reasonable assurance that the recipient is managing funds, regardless of source, in compliance with applicable Federal laws and regulations, and controls are in place to ensure compliance with the laws and regulations which could have a material impact on the financial statements; and

3. The recipient has complied with applicable provisions of Federal law, Corporation regulations and grant agreements, regardless of source of funds, which may have a direct and material effect on its financial statement amounts and on the LSC program.

B. Reports

The IPA will prepare the audit reports required by GAS and OMB Circular A–133. Recipients should ensure that the management letters are included with the report submissions to LSC, as well as the Summary Findings Form on Noncompliance with Laws and Regulations, Questioned Costs and Reportable Conditions (See Appendix D for form and content). The IPA has additional responsibility under Section II.1.G. for interim reporting of noncompliance with certain laws and regulations.

C. Qualifications of the IPA

The comprehensive nature of auditing performed in accordance with GAS places on the IPA the responsibility for ensuring that: (1) The audit is conducted by personnel who collectively have the necessary skills; (2) independence is maintained; (3) applicable standards are followed in planning and conducting audits and reporting the results; (4) the IPA has an appropriate internal quality control system in place; and (5) the IPA undergoes an external quality control review. IPAs must meet the qualifications stated in GAS.

D. Audit Working Papers

The audit working papers are to be prepared in accordance with GAS, and are to be retained by the IPA for at least three years from the date of the final audit report.

E. Access to Audit Working Papers

The audit working papers are to be available for examination upon request by representatives of LSC and the Comptroller General of the United States. The LSC Act, § 1009(d), prohibits access by the Corporation and the Comptroller General's to any reports or records subject to the attorney-client privilege. To the extent not protected by the attorney-client privilege, the Corporation, including the OIG, is provided with access by Section 509 (h) of 110 Stat. 1321 (1996) to ''* * * financial records, time records, retainer agreements, client trust fund and eligibility records, and client names * * *.'' The audit working papers are subject to Quality Assurance Review by the LSC OIG.

F. Disclosure of Irregularities, Illegal Acts and Other Noncompliance

During an audit, if matters are uncovered relative to actual, potential, or suspected defalcations, or other similar irregularities, the IPA will comply with Statement on Auditing Standards (SAS) Number 53, ''The Auditor's Responsibility to Detect and Report Errors and Irregularities,'' and SAS Number 54, ''Illegal Acts by Clients.'' While the auditor may contract directly with the recipient for audit services, it is emphasized that any items considered by the auditor to justify reporting to the recipient's program director and/or board of directors, should also be included in the management letter for LSC's consideration. If such items relate to the recipient's capabilities to safeguard and account for LSC funds, the IPA shall notify immediately the Office of Inspector General at (202) 336–8812. The reporting requirements under this section are separate and distinct from the special reporting requirements discussed at Section II.1.G below.

G. Requirements for Auditor 5-Day Reporting to the OIG on Noncompliance with Laws and Regulations

Section 509(b) of 110 Stat. 1321 (1996):

(1) Recognizes the auditor's responsibility to select and test a representative number of transactions and report all instances of noncompliance with laws and regulations;

(2) Provides that the auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a special report on noncompliance made pursuant to this section; and

(3) Places additional responsibility on the auditor to report all instances of noncompliance directly to the OIG, in the event the recipient fails to notify the OIG within five (5) business days of receipt of the auditor's interim report on noncompliance.

The IPA is responsible for providing sufficient information to the recipient on the findings of noncompliance to facilitate the recipient meeting its interim reporting responsibilities under Section I.9.C of this Audit Guide. The laws and regulations requiring special reporting are defined in the Compliance Supplement (Appendix A). When a determination has been made that an instance of noncompliance has occurred, IPAs are to report immediately to the recipient. The IPA's report to the recipient shall be generated at such a point during the course of the audit that sufficient competent evidential matter has been obtained by the auditor to reach a conclusion on the particular instance of noncompliance. The IPA's report to the recipient pursuant to this section should not await completion of the audit reports identified in Section III of this Audit Guide. The IPA's special report to the recipient shall be in letter format and shall specifically contain, at a minimum, the following: (1) A description of the particular instance(s) of noncompliance discovered during the course of the audit; and (2) the circumstances surrounding the instance(s) of noncompliance.

Within five (5) business days after issuance of the IPA's special report to the recipient, and in accordance with Section I.9.C of this Guide, the auditor should receive from the recipient a copy of the recipient's 5-day letter to the OIG. If no such copy is received, the IPA shall, within five (5) business days of the recipient's failure to provide the required copy of its report to the OIG, submit a copy of the report directly to the OIG. This statutory procedure thus ensures that the OIG will receive a copy of the IPA's special report on noncompliance within ten (10) business days after the recipient's receipt of the report from its auditor (See Appendix F for the Auditor 5-Day Letter to the OIG). The auditor's submission to the OIG under this section must be transmitted by facsimile, E-mail or registered mail.

H. IPA Notification to OIG on Cessation of Audit Services

Pursuant to Section 509(e) of 110 Stat. 1321 (1996), the IPA is required to notify the OIG when it ceases to provide audit services to the recipient. The IPA shall notify the OIG within five (5) business days of its termination or cessation of services to the recipient. (See Appendix G for the notification form.)

II–2. Review of Internal Controls

In accepting LSC funds, recipient management asserts that its accounting system is adequate to comply with LSC requirements. As part of the review of internal controls, the auditor is required to evaluate the effectiveness of the recipient's accounting system and

internal controls. The primary objectives of this evaluation are to ensure that resources are safeguarded against waste, loss and misuse, and that resources are used consistent with LSC regulations and grant conditions.

II–3. Assessing Compliance With Laws and Regulations

The requirements set out in the Compliance Supplement (Appendix A) are those which could have a material impact on the LSC program. Accordingly, examination of these compliance requirements are part of the audit. As stated in Section I–1 of this Guide, Congress increased the restrictions and prohibitions on the types of activities in which recipients may engage. In addition, there are special requirements for the recipient and auditor to report to the OIG on noncompliance with laws and regulations. The failure of a recipient to comply with the practice restrictions contained in the Compliance Supplement may affect the recipient's eligibility for LSC funding.

The Compliance Supplement specifies the objectives and provides suggested procedures to be considered in the auditor's assessment of a recipient's compliance with laws and regulations. The suggested procedures can be used to test for compliance with laws and regulations, as well as to evaluate the related controls. Auditors should use professional judgement to decide which procedures to apply, and the extent to which reviews and tests should be performed. Auditors are required to select and test a representative number of transactions. Some procedures require a review and evaluation of internal controls. If the reviews and evaluations were performed as part of the internal control structure review, audit procedures should be modified to avoid duplication. Auditors should also refer to the grant agreements for additional requirements.

In certain cases, noncompliance may result in questioned costs. Auditors are to ensure that sufficient information is obtained to support the amounts questioned. Working papers should adequately document the basis for any questioned costs and the amounts reported.

II–4. Audit Follow-Up

Consistent with GAS paragraph 4.10, the auditor is required to follow-up on known material findings and recommendations from previous audits that could affect the financial statement audit and, in this case, the program. The objective is to determine whether timely and appropriate corrective action has been taken. Auditors are required to report the status of uncorrected material findings and recommendations from prior audits. These requirements are also applicable to findings and recommendations issued in a management letter.

III. Audit Reporting Requirements

III–1. Audit Reports and Distribution

IPAs should follow the requirements of GAS, OMB Circular A–133, Statement on Auditing Standards (SAS) 74 and Statement of Position (SOP) 92–9 (and any revisions thereto) for guidance on the form and content of reports. The OMB Circular A–133 reports must reference the LSC Audit Guide and Compliance Supplement. In addition to the reports required under OMB Circular A–133, IPAs are required to submit a Summary Findings Form on Noncompliance with Laws and Regulations, Questioned Costs and Reportable Conditions (Appendix D). Three copies of the audit reports, Summary Findings Form on Noncompliance with Laws and Regulations, Questioned Costs and Reportable Conditions and the management letter, where applicable, are to be submitted to the LSC OIG within 90 days of the recipient's year end.

III–2. Extension Requests for Audit Submissions

Under exceptional circumstances, an extension of the 90-day requirement may be granted. Requests for extensions must be in writing, and directed to the Office of Inspector General. Extension requests must be made at least two (2) weeks prior to the date the audits are due, and will only be granted for unforeseen, extraordinary and compelling reasons. All other requests will be denied.

III–3. Views of Responsible Officials

Consistent with GAS paragraph 7.38, auditors are encouraged to report the views of responsible program officials concerning the auditors' findings, conclusions, and recommendations, as well as corrections planned, where practical.

IV. Reference Materials

A. Title X—Legal Services Corporation Act of 1974, 42 USC 2996, to 2996.l.

B. 45 Code of Federal Regulations Part 1600 to 1642.

C. Government Auditing Standards, issued by the Comptroller General of the United States, 1994 Revision.

D. OMB Circular A–133, Audits of Institutions of Higher Education and Other Nonprofit Institutions.

E. AICPA Professional Standards, Volume I.

F. AICPA Integrated Practice System, Not-For-Profit Organizations Audit Manual.

G. Practitioners Publishing Company Guide to Audits of Nonprofit Organizations, Seventh Edition (June 1994).

H. AICPA Statement of Position (SOP) 92–9, Audits of Not-For-Profit Organizations Receiving Federal Awards, December 28, 1992.

I. Pursuant to LSC Regulations, 45 C.F.R. 1630.4(g):

The Circulars of the Office of Management and Budget shall provide guidance for all allowable cost questions arising under this part when relevant policies or criteria therein are not inconsistent with the provisions of the Act, applicable appropriations acts, this part, the Audit and Accounting Guide for Recipients and Auditors, and Corporation rules, regulations, guidelines, and instructions.

Among the OMB Circulars which should be referred to if not inconsistent with LSC policies are:

Office of Management and Budget (OMB) Circular A–50, Audit Follow-up.

OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

OMB Circular A–122, Cost Principles for Nonprofit Organizations.

OMB Circular A–123, Internal Control Systems.

OMB Circular A–127, Financial Management Systems.

Dated: August 7, 1996.

Victor M. Fortuno,

General Counsel.

[FR Doc. 96–20525 Filed 8–12–96; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Tuesday, August 20, 1996.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: Closed to the public under Exemption 10 of the Government in Sunshine Act.

MATTERS TO BE CONSIDERED:

6700 Opinion and Order: Administrator v. Buckel, Docket SE–14129; disposition of the Administrator's appeal.

6718 Opinion and Order: Administrator v. Alessi, Docket SE–13930; disposition of cross appeals.

NEWS MEDIA CONTACT: Telephone: (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: August 9, 1996.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 96–20695 Filed 8–9–96; 12:14 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–8027]

Notice of Environmental Assessment and Finding of No Significant Impact Related to Amendment of Materials License No. SUB–1010 For the Sequoyah Fuels Corporation, Gore, Oklahoma

AGENCY: Nuclear Regulatory Commission.

The U.S. Nuclear Regulatory Commission is considering a license amendment request, submitted by the Sequoyah Fuels Corporation (SFC). The proposed action is to abandon certain groundwater monitoring wells at SFC's Gore, Oklahoma, facility, and to replace these groundwater monitoring points, specified in the license, with existing wells of better construction that produce more reliable data.

Summary of the Environmental Assessment

By license amendment application dated October 3, 1994, SFC requested changes to the license for its Sequoyah facility at Gore, Oklahoma. This amendment to the license is needed to implement the well plugging and abandonment described in Section 8 of the Groundwater Monitoring Interim Measures (GMIM) Workplan approved by the U.S. Environmental Protection Agency (EPA) on December 15, 1993, under the Administrative Order on Consent (AOC) signed August 3, 1993. This license amendment request was revised by the licensee by letter dated February 9, 1996, in response to staff comments dated December 8, 1995.

The proposed action is necessary so that SFC can permanently abandon, and remove from the license, 35 groundwater monitoring wells that may not provide reliable information and may serve as a conduit for the movement of contaminants between groundwater zones. These wells will be replaced in the license with 24 more recently installed, better constructed wells. This action is intended to reduce the potential for contamination between groundwater zones at the SFC site and provide for the monitoring of groundwater wells that yield more reliable data.

None of the wells proposed to be plugged are in areas of current uranium contamination in the groundwater. Therefore, it is not expected that the plugging operation will result in the generation of contaminated material or effluents. However, the GMIM Workplan states that all material removed from each hole will be managed in compliance with all State and Federal regulations and facility procedures. SFC is expected to follow its environmental and radiation protection programs for the removal and plugging of the wells described in the amendment request.

The environmental impact associated with the preferred alternative is minimal. The well abandonment procedure is similar to installing a new well. There is the generation of soil, well cuttings, and old well casing. If none of this material is impacted by radioactive or hazardous substances, the material removed from the wells can be handled as solid waste. As stated previously, the GMIM Workplan states that all material removed from the abandoned wells will be managed in compliance with all State and Federal regulations and facility procedures. Therefore, if the licensee determines that the material removed from any of the boreholes is contaminated with radioactivity, above the action levels in the license, the material must be handled and disposed of in accordance with NRC regulations and SFC's license. In addition, the GMIM Workplan is being implemented under an AOC that the licensee has with EPA. Therefore, material removed from the abandoned wells that is contaminated with hazardous constituents will be handled in accordance with EPA regulations.

The removal of these old wells from service and plugging of the boreholes may have a positive impact on the environment if, because of poor construction, the old wells could serve as potential pathways for migration of contaminants between groundwater zones. The NRC staff believes that the proposed replacement wells will provide an acceptable level of groundwater monitoring capability based on well location and depth in relation to known and potential sources of groundwater contamination.

The NRC staff identified alternatives other than the preferred alternative of abandonment and replacement of the identified groundwater monitoring wells. The alternatives are as follows: (1) No action; (2) abandonment with no replacement; and (3) no abandonment but with replacement. None of the alternatives meet the dual purpose of the preferred alternative of replacing unreliable monitoring points with more reliable ones and reducing the possibility for migration of contaminants between groundwater zones through the old well boreholes. Therefore, the staff believes that the proposed alternative provides the optimum level of protection of the environment, among the various alternatives.

Based on evaluation of SFC's well abandonment and replacement plan, NRC staff determined that SFC's proposal complies with NRC's regulations, and that authorizing the license amendment would not be a major Federal action significantly affecting the quality of the human environment. The NRC staff concludes that a finding of no significant impact is justified and appropriate and that an environmental impact statement is not required. Notice of consideration of this amendment request and opportunity for hearing was published in the Federal Register (59 FR 55716, November 8, 1994). No hearing was requested.

Finding of No Significant Impact

Based on the findings in the environmental assessment, the NRC staff has determined that, under the National Environmental Policy Act of 1969, as amended, and NRC's regulations in 10 CFR Part 51, authorizing this license amendment would not be a major Federal action significantly affecting the quality of the human environment, and therefore an environmental impact statement is not required. The NRC staff concludes that a finding of no significant impact is justified and appropriate.

Further Information

For additional information with respect to the proposed action, see the licensee's request for license amendment dated October 3, 1994, and supplementary information, the safety evaluation report, and the environmental assessment which are available for inspection at the NRC's Public Document Room, 2120 L Street NW, Washington, DC.

For further information, contact James Shepherd, Division of Waste Management, USNRC, Mailstop T–7F27, Washington, DC 20555–0001, Telephone: (301) 415–6712.

Dated at Rockville, Maryland, this 6th day of August 1996.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–20585 Filed 8–12–96; 8:45 am]

BILLING CODE 7590–01–P

Review of the SCDAP/RELAP5 Code Modeling of Natural Circulation in a PWR Under Severe Accident Conditions

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: Nuclear Regulatory Commission staff will meet with NRC contractors (consultants of Energy Research, Inc.) and representatives of the Nuclear Energy Institute. The purpose of the meeting is to review the SCDAP/RELAP5 code modeling of natural circulation in a PWR under severe accident conditions, and benchmarking of the code against the Westinghouse 1/7 scale natural circulation experiments the scaling of those experiments.

DATES: August 19–20, 1996, 9:00 am.

ADDRESSES: Fauske and Associates, Inc., 16W07 West 83rd Street, Burr Ridge, IL 60521, 708–887–5201.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Lee, Accident Evaluation Branch, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–6795.

Dated at Rockville, Maryland, this 7th day of August, 1996, for the Nuclear Regulatory Commission.

M. Wayne Hodges,

Director, Division of Systems Technology, Office of Nuclear Regulatory Research.

[FR Doc. 96–20584 Filed 8–12–96; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

[RI 25–7]

Submission for OMB Review; Comment Request; Review of a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management is submitting to the Office of Management and Budget a request for clearance of a revised information collection. RI 25–7, Marital Status Certification, is used to survey surviving spouses to see if they have remarried before age 55. If they have remarried, their survivor annuity is terminated. Beginning with the 1996 information collection, only survivor annuitants who have remarried before age 55 are required to respond. Previously, all survivor annuitants were required to respond each year.

We estimate 1000 forms are completed annually. Each form takes approximately 15 minutes to complete. The annual estimated burden is 250 hours, a reduction of 11,000 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received on or before September 12, 1996.

ADDRESSES: Send or deliver comments to—

Victor J. Roy, Chief, Eligibility Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 2336, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey Management Services Division (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–20573 Filed 8–12–96; 8:45 am]

BILLING CODE 6325–01–M

POSTAL SERVICE

Sunshine Act Meeting; Board of Governors; Notice of Vote to Close Meeting

At its meeting on August 5, 1996, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for September 9, 1996, in Washington, D.C. The members will consider 1) legislative reform, and 2) strategic alliance.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Fineman, Mackie, McWherter, Rider, and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary of the Board Koerber, and General Counsel Elcano.

As to the first item, the Board determined that pursuant to section 552b(c)(3) and (9)(B) of title 5, United States Code; section 410(c)(2)–(5) of title 39, United States Code; and section 7.3(c) and (i) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)].

As to the second item, the Board determined that pursuant to section 552b(c)(3) and (4) of title 5, United States Code; section 410(c)(2) of title 39, United States Code; and section 7.3(d) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)].

The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3), (4) and (9)(B) of Title 5, United States Code; section 410(c)(2)–(5) of title 39, United States Code; and section 7.3(c), (d) and (i) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, Thomas J. Koerber, at (202) 268–4800.

Thomas J. Koerber,

Secretary.

[FR Doc. 96–20742 Filed 8–9–96; 2:22 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22117/812–10160]

Nations Fund Trust, et al.; Notice of Application

August 6, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Nations Fund Trust (''NFT''), Nations Fund, Inc. (''NFI''),

NationsBanc Advisors, Inc. (''NBAI''), and Peachtree Funds (''Peachtree'').

RELEVANT ACT SECTIONS: Order requested under section 17(b) for an exemption from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order to allow four series of NFT and one series of NFI to acquire substantially all of the assets of Peachtree's five series. Because of certain affiliations, the series may not rely on rule 17a–8 under the Act.

FILING DATE: The application was filed on May 17, 1996, and amended on July 24, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 3, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: (NFT, NFI and NBAI), One NationsBank Plaza, Charlotte, North Carolina 28255; (Peachtree), Federated Investors Tower, Pittsburgh, Pennsylvania 15222.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942–0574, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. NFI, a Maryland corporation, is registered under the Act as an open-end management investment company. NFI currently consists of five series, one of which is the subject of this application: Nations Prime Fund. NFT, a Massachusetts business trust, is registered under the Act as an open-end management investment company. NFT currently consists of 32 series, four of which are the subject of this application: Nations Capital Growth Fund, Nations Strategic Fixed Income Fund, Nations Georgia Intermediate Municipal Bond Fund, and Nations Government Money Market Fund (together with Nations Prime Fund, the ''Acquiring Funds'').

2. Peachtree, a Massachusetts business trust, is registered under the Act as an open-end management investment company. Peachtree currently offers its shares in five series: Peachtree Equity Fund, Peachtree Bond Fund, Peachtree Georgia Tax-Free Income Fund, Peachtree Government Money Market Fund, and Peachtree Prime Money Market Fund (collectively, the ''Acquired Funds'').

3. NBAI is the investment adviser to the Acquiring Funds and TradeStreet Investment Associates, Inc. (''TSIA'') is sub-adviser to the Acquiring Funds. NBAI is a wholly owned subsidiary of NationsBank, N.A., which in turn is a wholly owned banking subsidiary of NationsBank Corporation. On January 9, 1996, Bank South Corporation (''BSC'') was merged into NationsBank Corporation (the ''Holding Company Merger''). Prior to the Holding Company Merger, BSC was the parent of Bank South, N.A. (''Bank South''), which was the adviser to the Acquired Funds. Since the consummation of the Holding company Merger, the Acquired Funds have been advised by NBAI and sub-advised TSIA.

4. Currently, Bank South and BHC Securities, Inc. (''BHC''), an affiliate of Bank South, which are under common control with NBAI, acting in various capacities for numerous accounts, together are record holders of more than 25% of the outstanding shares of each of the Acquired Funds. Currently, certain affiliates of NBAI, acting in various capacities for numerous accounts, together are record holders of more than 5% of the outstanding shares of some or all of the Acquiring Funds. All such securities are held for the benefit of others in a trust, agency, custodial, or other fiduciary or representative capacity.

5. Shares of Nations Capital Growth Fund, Nations Strategic Fixed Income Fund and Nations Georgia Intermediate Municipal Bond Fund are divided into the following five classes of shares: Primary A Shares, Primary B Shares, Investor A Shares, Investor C Shares, and Investor N Shares. Shares of Nations Government Money Market Fund and Nations Prime Fund are divided into the following six classes of shares: Primary A Shares, Primary B Shares, Investor A Shares, Investor B Shares, Investor C Shares, and Investor D Shares. (Primary A Shares are the only class of shares involved in the proposed reorganization.) Primary A Shares of the Acquiring Funds are distributed by Stephens Inc. (''Stephens''), a registered broker dealer, and are offered at net asset value, without a sales load. Stephens receives no compensation in connection with the distribution of Primary A Shares. The Acquired Funds consist of one class of shares. The Acquired Funds charge up to a 0.75% (or in the case of the Peachtree Government Money Market Fund and Peachtree Prime Money Market Fund, up to 0.25%) distribution fee pursuant to rule 12b–1 under the Act, and up to a 0.25% shareholder services fee. Shares of the Peachtree Government Money Market Fund and Peachtree Prime Money Market Fund are offered at net asset value, without a sales load. The maximum sales charge payable with respect to the Peachtree Equity Fund shares is 3.75%. The maximum sales charge payable with respect to the Peachtree Bond Fund and the Peachtree Georgia Tax-Free Income Fund is 2.50%.

6. The investment objectives, policies and restrictions of each Acquired Fund are substantially similar to those of the corresponding Acquiring Fund. The Peachtree Equity's Fund's investment objective is to achieve long-term growth of capital and income, and the Nations Capital Growth Fund's investment objective is to seek long-term capital appreciation. The Peachtree Bond Fund's investment objective is to achieve current income, while the Nations Strategic Fixed Income Fund's investment objective is to maximize total investment return through the active management of fixed income securities. The Peachtree Georgia Tax-Free Income Fund and the Nations Georgia Intermediate Municipal Bond Fund have substantially identical investment objectives—to provide current income exempt from federal and state income taxes. The Peachtree Government Money Market Fund and the Nations Government Money Market Fund also have substantially identical investment objectives—to achieve as high a level of current income as is consistent with liquidity and stability of principal. The Peachtree Prime Money Market Fund's investment objective is to achieve current income consistent with stability of principal and liquidity, while the Nations Prime Fund's investment objective is to seek the maximization of current income to the extent consistent with preservation of capital and the maintenance of liquidity.

7. Peachtree has entered into a separate agreement and plan of reorganization with each of NFI and

NFT (each a ''Plan'' and, collectively, the ''Plans''), providing for the transfer of all, of the assets of each of Peachtree Equity Fund, Peachtree Bond Fund, Peachtree Georgia Tax-Free Income Fund, Peachtree Government Money Market Fund, and Peachtree Prime Money Market Fund to Nations Capital Growth Fund, Nations Strategic Fixed Income Fund, Nations Georgia Intermediate Municipal Fund, Nations Government Money Market Fund, and Nations Prime Fund, respectively, in exchange for Primary A Shares of each corresponding Acquiring Fund. The aggregate net asset value of Acquiring Fund shares to be issued to shareholders of an Acquired Fund will equal the value of the aggregate net assets of the Acquired Fund as of the close of business on the business day immediately prior to the closing (the ''Valuation Date''). Primary A Shares of the Acquiring Funds will be distributed *pro rata* to shareholders of each Acquired Fund in liquidation of the Acquired Fund, and each of the Acquired Funds, and Peachtree, will be dissolved.

8. The board of directors of NFI and the board of trustees of NFT, including the disinterested directors/trustees, considered and unanimously approved each Plan on January 18, 1996. The board of trustees of Peachtree (together with the directors/trustees of NFI and NFI, the ''Boards''), including the disinterested trustees, considered and unanimously approved the Plan on February 19, 1996. Each of the Boards has determined that participation in the reorganization is in the best interests of each of the Acquired Funds and the Acquiring Funds, and that the interests of the shareholders of the Acquiring Funds and the Acquiring Funds will not be diluted as a result of the reorganization.

9. Each Board based its decision to approve the reorganization on a number of factors, including: (a) The compatibility of each Acquired Fund's investment objective, policies and restrictions with those of its corresponding Acquiring Fund; (b) the terms and conditions of the reorganizations and whether they would result in a dilution of the existing shareholders' interests; (c) the conditioning of the reorganizations on the receipts of a legal opinion confirming the absence of any adverse federal tax consequences to the Acquired Funds or their shareholders; (d) the similarities between the Acquired Funds' and the Acquiring Funds' respective distribution, administrative, transfer agency, shareholder service and custody arrangements; (e) the potential expense savings and benefits that could result from combining the assets and operations of the Acquiring Funds and the Acquiring Funds; and (f) information regarding fees and expenses of the Acquired Funds and the Acquiring Funds.

10. Applicants anticipate that special meetings of shareholders of the Acquired Funds will be held on or about September 23, 1996, and, subject to shareholder approval, the reorganizations will be completed on or about September 30, 1996. The registration statements were filed with the SEC on July 3, 1996. Applicants also anticipate that the combined prospectus/proxy statements will be mailed to shareholders of the Acquired Funds after the registration statement becomes effective, on or about August 2, 1996.

11. The expenses incurred in connection with entering into and carrying out the provisions of the Plans will be borne by NationsBank, NBAI, or Stephens.

12. Applicants agree not to make any material changes to the Plans that affect representations in the application without the prior approval of the SEC.

Applicant's Legal Analysis

1. Section 17(a), in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from selling to or purchasing from such registered company, any security or other property. Section 17(b) provides that the SEC may exempt a transaction from section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

2. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include, in pertinent part, (a) any person owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of such other person; (b) any person 5% or more of whose outstanding voting securities are owned, controlled, or held with power to vote by such other person; (c) any person controlling, controlled by, or under common control with, such other person; and (d) if such other person is an investment company, any investment adviser thereof.

3. Rule 17a–8 under the Act exempts from section 17(a) mergers, consolidations, or purchases or sales of substantially all the assets involving registered investment companies that may be affiliated persons solely by reason of having a common investment adviser, common directors/trustees and/or common officers provided that certain conditions are satisfied.

4. The reorganization may not be exempt from the prohibitions of section 17(a) pursuant to rule 17a–8 because the Acquiring Funds and the Acquired Funds may be affiliated for reasons other than those set forth in the rule. Bank South and BHC, which are under common control with NBAI, together hold of record more than 25% of the outstanding voting securities of the Acquired Funds. Certain affiliates of NBAI hold of record more than 5% of the outstanding voting securities of each of the Acquiring Funds. Because of this record ownership each Acquiring Fund may be deemed an affiliated person of an affiliated person of the corresponding Acquired Fund, and vice versa, for reasons not based solely on their common adviser, common directors/trustees and/or common officers.

5. Applicants believe that the terms of the proposed reorganizations satisfy the standards set forth in section 17(b). The Boards of NFI, NFT and Peachtree have determined that the reorganizations, including the consideration to be paid or received, are in the best interest of such entities and their shareholders, and that the interests of the shareholders will not be diluted as a result of the reorganizations. Applicants state that the trustees/directors, including the disinterested trustees/directors, have made the findings required by rule 17a–8. Applicants believe that the investment objectives, policies and restrictions of the Acquiring Funds are compatible with, and substantially similar to, those of the Acquired Funds. Accordingly, applicants believe that the reorganizations are consistent with the policies of each of the Acquiring Funds and the Acquired Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

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[Release No. 34–37533; File No. SR–Amex-96–28]

Self-Regulatory Organizations; Order Granting Accelerated Approval of a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 1 and 2 to the Proposed Rule Change by the American Stock Exchange, Inc., Relating to Top Ten Yield Market Index Target-Term Securities (''MITTS'')

August 7, 1996.

I. Introduction

On July 15, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b-4 thereunder,[2] filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change to list and trade Market Index Target-Term Securities (''MITTS''),[3] the return on which is based upon an equal-dollar weighted portfolio of securities of representing the ten highest dividend yielding stocks in the Dow Jones Industrial Average (''DJIA'') from year to year (''Top Ten Yield Index'' or ''Index'').[4] Notice of the proposal appeared in the Federal Register on July 24, 1996.[5] No comment letters were received on the proposed rule change. On July 31, 1996, the Amex filed Amendment No. 1 to the proposed rule change.[6] On August 2, the Amex filed Amendment No. 2 to the proposed rule change.[7] This order approves the proposal, as amended, on an accelerated basis.

II. Description of the Proposal

Under Section 107A of the Amex Company Guide, the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[8] The Amex proposes to list for trading under Section 107A of the Company Guide, MITTS based on the Top Ten Yield Index (''Top Ten Yield MITTS'').[9] The Top Ten Yield Index will be determined, calculated and maintained solely by the Amex.[10]

The MITTS will conform to the initial listing guidelines under Section 107A[11] and continued listing guidelines under Sections 1001–1003[12] of the Company Guide. MITTS are non-callable senior hybrid debt securities of the Merrill Lynch that provide for a single payment at maturity, and will bear no periodic payments of interest. Top Ten Yield MITTS will entitle the owner at maturity to receive an amount based upon the percentage change between the ''Original Index Value'' and the ''Ending Index Value,'' subject to a minimum repayment amount. The ''Original Index Value'' is the value of the Top Ten Index on the date on which the issuer prices the Top Ten Yield MITTS issue for the initial offering to the public. The ''Ending Index Value'' is the value of the Top Ten Index upon the expiration of the Top Ten Yield MITTS approximately ten years from the pricing date. The Ending Index Value will be used in calculating the amount owners will receive upon maturity.[13]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] ''MITTS'' and ''Market Index Target-Term Securities'' are service marks of Merrill Lynch & Co., Inc. (''Merrill Lynch'').

[4] The initial portfolio of securities comprising the Top Ten Yield Index for the first year is as follows: Philip Morris; Texaco; Exxon; J.P. Morgan; Chevron; General Motors; Minnesota Mining; DuPont; International Paper; and AT&T. See Amendment No. 1, *infra* note 6.

[5] See Securities Exchange Act Release No. 37444 (July 16, 1996), 61 FR 38488 (''Release No. 37444'').

[6] Amendment No. 1 to the proposed rule change provides the initial portfolio of securities comprising the Top Ten Yield Index, various specifications regarding the Top Ten Yield MITTS, and a detailed explanation of the calculation, adjustments, and reconstitution methodologies to be employed for the Top Ten Yield Index, as described more fully herein. Additionally, Amendment No. 1 provides that Top Ten Yield MITTS will be traded under the Exchange's equity rules, subject to equity margin requirements, and subject to Amex Rule 411, as described more fully herein. *See* Letter from Michael T. Bickford, Vice President, Capital Markets, Amex, to Sharon Lawson, Senior Special Counsel, Office of Market Supervision, Division of Market Regulation, Commission, dated July 31, 1996 (''Amendment No. 1'').

[7] Amendment No. 2 to the proposed rule change provides that the Top Ten Yield MITTS are subject to continued listing provisions set forth in Sections 1001 through 1003 in the Exchange's Company Guide. Specifically, the Exchange will rely, in part, on the continued listing standards relative to distribution for bonds, as set forth in Section 1003(b). The Exchange intends to submit a proposed rule change in the near future to provide continued listing standards that apply specifically to hybrid securities such as the Top Ten Yield MITTS. See Letter from Michael Bickford, Vice President, Capital Markets Group, Amex, to John Ayanian, Attorney, OMS, Market Regulation, Commission, dated August 2, 1996 (''Amendment No. 2''). See also *infra* note 12.

[8] *See* Securities Exchange Act Release No. 27753 (March 1, 1990) (''Hybrid Approval Order'').

[9] The Commission has approved the listing and trading on the New York Stock Exchange of MITTS based upon portfolios of securities representing (1) telecommunications companies, (2) European companies, (3) health care companies, (4) U.S. real estate investment trusts, and (5) restructuring companies. See Securities Exchange Act Release Nos. 32840 (September 2, 1993), 58 FR 47485 (September 9, 1993); 33368 (December 22, 1993), 58 FR 68975 (December 29, 1993); 34655 (September 12, 1994), 59 FR 47966 (September 19, 1994); 34691 (September 20, 1994), 59 FR 49264 (September 27, 1994); *and* 34692 (September 20, 1994), 59 FR 49267 (September 27, 1994) (''MITTS Approval Orders''). The Commission has also approved the listing and trading on the Amex of hybrid securities similar to MITTS, based upon portfolios of securities representing various industries, including, among others, (1) telecommunications companies, (2) banking industry stocks, and (3) real estate investment trusts. See Securities Exchange Act Release Nos. 33495 (January 19, 1994), 59 FR 3883 (January 27, 1994); 34848 (October 17, 1994), 59 53217 (October 21, 1994); and 36130 (August 22, 1995), 60 FR 44917 (August 29, 1995).

[10] Subject to the criteria in the prospectus regarding the construction of the Index, the Exchange has sole discretion regarding changes to the Index due to annual reconstitutions and adjustments to the Index and the multipliers of the individual components.

[11] The initial listing standards for MITTS require: (1) a minimum public distribution of one million units; (2) a minimum of 400 shareholders; (3) a market value of at least $4 million; and (4) a term of at least one year. In addition, the listing guidelines provide that the issuer have assets in excess of $100 million, stockholder's equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange will require the issuer to have the following: (1) Assets in excess of $200 million and stockholders' equity of at least $10 million: or (2) assest in excess of $100 million and stockholders' equity of at least $20 million.

[12] The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 to the Exchange's Company Guide. Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the MITTS, the Exchange will rely, in part, on the guidelines for bonds in Section 1003(b)(iii). Section 1003(b) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than $400,000. The Exchange is in the process of developing continued listing standards that apply specifically to hybrid securities such as the MITTS proposed herein. If the Exchange considers delisting the Top Ten Yield MITTS prior to adopting its own guidelines, the Exchange would consider NYSE's recently adopted continued listing standards when making its decision. These guidelines contain minimum criteria for public holders, aggregate market value, and publicly held shares. See Securities Exchange Act Release No. 37238 (May 22, 1996) (Order approving NYSE continued listing guidelines for hybrid securities). See also Amendment No. 2 *supra* note 7.

[13] The Top Ten Yield MITTS will entitle a holder at maturity to receive the principal amount of the MITTS plus a supplemental redemption amount based on the percentage increase, if any, in the Top Ten Yield Index over the Original Index Value (100). For example, if the Ending Index Value upon maturity is 148, the holder will receive $14.80 per $10 principal amount at maturity as follows:

The supplemental redemption amount will in no event be less than an amount equal to $2.30 to $2.80 per $10 principal amount of the MITTS (the actual amount to be determined on the date the MITTS are priced by Merrill Lynch for initial sale to the public).

$$\text{principal} + \text{supplemental redemption amount}$$

$$\text{principal} + \left(\text{principal} \times \frac{\text{Ending Index Value} - 100}{100} \right)$$

$$\$10 + \left(\$10 \times \frac{148 - 100}{100} \right) = \$10 + (\$10 \times 0.48) = \$14.80$$

Top Ten Yield MITTS are cash-settled in U.S. dollars [14] and do not give the holder any right to receive a portfolio security or any other ownership right or interest in the portfolio securities, although the return on the investment is based on the aggregate portfolio value of the Top Ten Index securities.

Components of the Top Ten Yield Index approved pursuant to this filing will meet the following criteria: (1) A minimum market value of at least $75 million, except that up to 10% of the component securities in the Top Ten Yield Index may have a market value of $50 million; (2) average monthly trading volume in the last six months of not less than 1,000,000 shares, except that up to 10% of the component securities in the Top Ten Yield Index may have an average monthly trading volume of 500,000 shares or more in the last six months; (3) 90% of the Top Ten Yield Index's numerical value and at least 80% of the total number of component securities will meet the then current criteria for standardized option trading set forth in Exchange Rule 915; and (4) all component stocks will either be listed on the Amex, the New York Stock Exchange, or traded through the facilities of the National Association of Securities Dealers Automated Quotation System and reported National Market System securities.

As of July 31, 1996, the market capitalization of the initial portfolio of securities representing the Top Ten Yield Index ranged from a high of $101.5 billion to a low of $11.2 billion. The average monthly trading volume for the last six months, as of the same date, ranged from a high of 57 million shares to a low of 13 million shares. Moreover, as of July 31, 1996, all of the components comprising the initial portfolio of securities representing the Top Ten Yield Index were eligible for standardized options trading pursuant to Amex Rule 915.[15]

At the outset, each of the securities in the Top Ten Yield Index will represent approximately an equal percentage of the starting value of the Index. Specifically, each security included in the portfolio will be assigned a multiplier on the date of issuance so that the security represents approximately an equal percentage of the value of the entire portfolio on the date of issuance. The multiplier indicates the number of shares (or fraction of one share) of a security, given its market price on an exchange or through NASDAQ, to be included in the calculation of the portfolio. Accordingly, initially each of the 10 companies included in the Top Ten Yield Index will represent approximately 10-percent of the total portfolio at the time of issuance. The Top Ten Yield Index will initially be set to provide a benchmark value of 100.00 at the close of trading on the day preceding its selection.

The value of the Index at any time will equal (i) The sum of the products of the current market price for each stock underlying the Index and the applicable share multiplier, plus (ii) an amount reflecting current calendar quarter dividends. Current quarter dividends for any day will be determined by the Amex and will equal the sum of each dividend paid by the issuer on one share of stock during the current calendar quarter multiplied by the share multiplier applicable to such stock at the time each such dividend is paid.

As of the first day of the start of each calendar quarter, the Amex will allocate the current quarter dividends as of the end of the immediately preceding calendar quarter to each then outstanding components of the Top Ten Yield Index. The amount of the current quarter dividends allocated to each stock will equal the percentage of the value of such stock contained in the portfolio of securities comprising the Top Ten Yield Index relative to the value of the entire portfolio based on the closing market price of such stock on the last day in the immediately preceding calendar quarter. The share multiplier of each stock will be increased to reflect the number of shares, or portion of a share, that the amount of the current quarter dividend allocated to each stock can purchase of each stock based on the closing market price on the last day in the immediately preceding calendar quarter.

At the end of each calendar quarter, the Index will be reduced by a value equal to 0.4375% of the then current Index, provided that (i) there will be no deduction at the end of the calendar quarter ending in September 1996 and the deduction at the end of the calendar quarter ending in December 1996 will be increased to reflect the quarterly rate of 0.4375% prorated for the period from the date of the issuance of the securities through the end of the calendar quarter in December 1996 and (ii) the index will be reduced at the close of business on July 31, 2006 by a value equal to 0.1507% of the closing value of the Index on such date.[16]

As of the close of business on each anniversary date (anniversary of the date of the initial issuance of Top Ten Yield MITTS) through the applicable anniversary date in 2005, the portfolio of securities comprising the Top Ten Yield Index will be reconstituted by the Amex so as to include the ten common stocks in the DJIA having the highest dividend yield on the second scheduled index business day prior to such anniversary date. The Exchange will announce such changes to investors at least one day prior to the anniversary date.[17]

The portfolio will be reconstituted and rebalanced on the anniversary date so that each stock in the Index will continue to represent 10% of the value of the Index. To effectuate this, the share multiplier for each new stock will

[14] See Amendment No. 1, *supra* note 6.

[15] See Amendment No. 1, *supra* note 6.

[16] This quarterly reduction to the value of the Index may potentially reduce the total return to investors upon redeeming Top Ten Yield MITTS at maturity. The Amex represents that an explanation of this quarterly deduction will be included in any marketing materials, fact sheets, or any other materials circulated to investors regarding the trading of this product. Telephone Conversation between Michael Bickford, Vice President, Capital Markets Group, Amex, and John Ayanian, Attorney, OMS, Market Regulation, Commission, on August 7, 1996.

[17] The Exchange will publish a ticker notice and issue a press release to advise investors of changes to the securities underlying the Index if any such changes are made following an annual reconstitution. Telephone conversation between Michael Bickford, Vice President, Capital Markets Group, Amex, and John Ayanian, Attorney, OMS, Market Regulation, Commission, on August 6, 1996. See Amendment No. 1, *supra* note 6.

be determined by the Amex and will indicate the number of shares or fractional portion thereof of each new stock, given the closing market price of such new stock on the anniversary date, so that each new stock represents an equal percentage of the Index value at the close of business on such anniversary date. For example, if the Index value at the close of business on an anniversary date was 200, then each of the ten new stocks comprising the Top Ten Yield Index would be allocated a portion of the value of the Index equal to 20, and if the closing market price of one such new stock on the anniversary date was 40, the applicable share multiplier would be 0.5. Conversely, if the Index value was 80, then each of the ten new stocks comprising the Top Ten Yield Index would be allocated a portion of the value of the Index equal to 8, and if the closing market price of one such new stock on the anniversary was 40, the applicable share multiplier would be 0.2. The last anniversary date on which such reconstitution will occur will be the anniversary date in 2005, which will be approximately one year prior to the maturity date of the Top Ten Yield MITTS. As noted above, investors will receive information on the new portfolio of securities comprising the Top Ten Yield Index at least 1 day prior to each anniversary date.

The multiplier of each component stock in the Top Ten Yield Index will remain fixed unless adjusted for quarterly dividend adjustments, annual reconstitutions or certain corporate events, such as payment of a dividend other than an ordinary cash dividend, a distribution of stock of another issuer to its shareholders,[18] stock split, reverse stock split, and reorganization.[19]

The multiplier of each component stock may be adjusted, if necessary in the event of a merger, consolidation, dissolution or liquidation of an issuer or in certain other events such as the distribution of property by an issuer to shareholders. If the issuer of a stock included in the Index were to no longer exist, whether by reason of a merger, acquisition or similar type of corporate transaction, a value equal to the stock's final value will be assigned to the stock for the purpose of calculating the Index value prior to the subsequent anniversary date. For example, if a company included in the Index were acquired by another company, a value will be assigned to the company's stock equal to the value per share at the time the acquisition occurred. If the issuer of stock included in the Index is in the process of liquidation or subject to a bankruptcy proceeding, insolvency, or other similar adjudication, such security will continue to be included in the Index so long as a market price for such security is available or until the subsequent anniversary date. If a market price is no longer available for an Index stock due to circumstances including but not limited to, liquidation, bankruptcy, insolvency, or any other similar proceeding, then the security will be assigned a value of zero when calculating the Index for so long as no market price exists for that security or until the subsequent anniversary date. If the stock remains in the Index, the multiplier of that security in the Index may be adjusted to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. In all cases, the multiplier will be adjusted, if necessary, to ensure Index continuity.

The Exchange will calculate the Top Ten Yield Index and, similar to other stock index values published by the Exchange, the value of the Index will be calculated continuously and disseminated every 15 seconds over the Consolidated Tape Association's Network B. The Index value will equal the sum of the products of the most recently available market prices and the applicable multipliers for the component securities.

Top Ten Yield MITTS may not be redeemed prior to maturity and are not callable by the issuer.[20] Holders of Top Ten Yield MITTS will only be able to cash-out of their investment by selling the security on the Amex.

Because Top Ten Yield MITTS are linked to a portfolio of equity securities, the Amex's existing equity floor trading rules will apply to the trading of Top Ten Yield MITTS. First, pursuant to Amex Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to trading Top Ten Yield MITTS.[21] Second, Top Ten Yield MITTS will be subject to the equity margin rules of the Exchange.[22] Third, in accordance with the Amex's Hybrid Approval Orders, the Exchange will, prior to trading Top Ten Yield MITTS, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities (including suitability recommendations) when handling transactions in Top Ten Yield MITTS and highlighting the special risks and characteristics of the Top Ten Yield MITTS.

III. Commission Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5). Specifically, the Commission believes that providing for exchange-trading of Top Ten Yield MITTS will offer a new and innovative means of participating in the market for high dividend yielding securities. In particular, the Commission believes that Top Ten Yield MITTS will permit investors to gain equity exposure in such companies, while at the same time, limiting the downside risk of the original investment. Accordingly, for the same reasons as discussed in the MITTS Approval Orders, the Commission finds that the listing and trading of Top Ten Yield MITTS is consistent with the Act.[23]

As with other MITTS products, Top Ten Yield MITTS are not leveraged instruments, however, their price will still be derived and based upon the underlying linked security. Accordingly, the level of risk involved in the purchase or sale of a Top Ten Yield MITTS is similar to the risk involved in the purchase or sale of traditional common stock. Nonetheless, because the final rate of return of a MITTS is derivatively priced, based on the performance of a portfolio of securities, and the components of the Index are more likely to change each year, over a ten-year period, than other similar type MITTS products previously issued, there are several issues regarding the trading of this type of product.

The Commission notes that the Exchange's rules and procedures that address the special concerns attendant to the trading of hybrid securities will be applicable to Top Ten Yield MITTS. In particular, by imposing the hybrid listing standards, suitability, disclosure, and compliance requirements noted above, the Commission believes the Exchange has addressed adequately the potential problems that could arise from

[18] If the issuer of a component security in the Top Ten Yield Index issues to all of its shareholders publicly traded stock of another issuer, such new securities will be added to the portfolio comprising the Top Ten Yield Index until the subsequent anniversary date. The multiplier for the new component will equal the product of the original issuer's multiplier and the number of shares of the new component issued with respect to one share of the original issuer.

[19] See Amendment No. 1, *supra* note 6.

[20] See Amendment No. 1, *supra* note 6.

[21] See Amendment No. 1, *supra* note 6. Amex Rule 411 requires that every member, member firm or member corporation use due diligence to learn the essential facts relative to every customer and to every order or account accepted.

[22] *Id.*

[23] See MITTS Approval Orders, *supra* note 9.

the hybrid nature of Top Ten Yield MITTS. Moreover, the Exchange will distribute a circular to its membership calling attention to the specific risks associated with Top Ten Yield MITTS.

In approving the product, the Commission recognizes that unlike other previously approved MITTS, the components are more likely to change each year over the 10-year life of the product. Nevertheless, the Commission believes that this is acceptable because the Amex has clearly stated its guidelines and formula for replacing components from a specific, group of 30 well-known, and highly capitalized securities. Each year, as noted above, the portfolio of securities comprising the Top Ten Yield Index will represent the ten highest dividend yielding securities in the DJIA. Amex will do the calculation for replacements based on a set formula to determine which of the DJIA securities will be in the Index for the following year. The Commission believes that within these confines the potential frequent changes in the components of the Index are reasonable and will meet the expectation of investors.

The Commission realizes that Top Ten Yield MITTS are dependent upon the individual credit of the issuer, Merrill Lynch. To some extent this credit risk is minimized by the Exchange's listing standards in Section 107A of the Company Guide which provide the only issuers satisfying substantial asset and equity requirements may issue securities such as MITTS. In addition, the Exchange's hybrid listing standards further require that Top Ten Yield MITTS have at least $4 million in market value.[24] In any event, financial information regarding Merrill Lynch, in addition to the information on the issuers of the underlying securities comprising the Top Ten Yield Index, will be publicly available.[25]

The Commission also has a systemic concern, however, that a broker-dealer, such as Merrill Lynch, or a subsidiary providing a hedge for the issuer will incur position exposure. As discussed in the MITTS Approval Orders, the Commission believes this concern is minimal given the size of Top Ten Yield MITTS issuance in relation to the net worth of Merrill Lynch.[26]

The Commission also believes that the listing and trading of Top Ten Yield MITTS should not unduly impact the market for the underlying securities comprising the Top Ten Yield Index. First, the underlying securities comprising the DJIA, from which the Index components are selected, are well-capitalized, highly liquid stocks. Second, because all of the components of the Top Ten Yield Index will be equally weighted, initially and immediately following each annual reconstitution of the Index, no single stock or group of stocks will likely dominate the Top Ten Yield Index. Finally, the issuers of the underlying securities comprising the Top Ten Yield Index, are subject to reporting requirements under the Act, and all of the portfolio securities are either listed or traded on, or traded through the facilities of, U.S. securities markets. Additionally, the Amex's surveillance procedures will serve to deter as well as detect any potential manipulation.

Finally, the Commission notes that the value of the Top Ten Yield Index will be disseminated at least once every 15 seconds throughout the trading day. The Commission believes that providing access to the value of the Top Ten Yield Index at least once every 15 seconds throughout the trading day is extremely important and will provide benefits to investors in the product.

The Commission finds good cause for approving the proposed rule change and Amendment Nos. 1 and 2 to the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the Federal Register. The Amex has requested accelerated approval, in part, so that the product can be issued prior to the implementation of pending changes in the tax treatment of these products. In determining to grant the accelerated approval for good cause, the Commission notes that the Top Ten Yield Index is a portfolio of highly capitalized and actively traded securities similar to hybrid securities products that have been approved by the Commission for U.S. exchange trading.[27] Additionally, Top Ten Yield MITTS will be listed pursuant to existing hybrid security listing standards as described above. Moreover, the Index's applicable equal-dollar weighting methodology is a commonly applied index calculation method. Finally, no comments to date have been received on the proposal, which was subject to a portion of the full 21 day notice and comment period.[28] Based on the above, the Commission finds, consistent with Section 6(b) of the Act, that there is good cause for accelerated approval of the product.

Amendment No. 1 to the proposed rule change provides the initial portfolio of securities comprising the Top Ten Yield Index, various specifications regarding the Top Ten Yield MITTS, and a detailed explanation of the calculation, adjustments, and reconstitution methodologies to be employed for the Top Ten Yield Index, as described above. Additionally, Amendment No. 1 provides that Top Ten Yield MITTS will be traded under the Exchange's equity rules, subject to equity margin requirements, and subject to Amex Rule 411, as described above. The Commission believes that Amendment No. 1, as described herein, clarifies and strengthens the Exchange's proposal by providing additional information, similar to that provided for other MITTS products previously approved by the Commission.

Amendment No. 2 to the proposed rule change provides that the Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 to the Exchange's Company Guide. Among other things, the amendment notes that for distribution of the Top Ten Yield MITTS, the Exchange will rely on the continued listing guidelines for bonds in Section 1003(b)(iii). The Commission believes that Amendment No. 2 clarifies and strengthens the Exchange's proposal by stating the specific continued listing guidelines that will apply to these MITTS and should help to ensure a minimal level of depth and liquidity for continued trading of the product on the Amex.

Accordingly, the Commission believes it is consistent with Section 6(b)(5) of the Act to approve the proposed rule change and Amendment Nos. 1 and 2 to the proposed rule change on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change and Amendment Nos. 1 and 2 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[24] See Amex Company Guide § 107A.

[25] The companies that comprise the Top Ten Yield Index are reporting companies under the Act.

[26] See MITTS Approval Orders, *supra* note 9.

[27] See *supra* note 9.

[28] See Release No. 37444, *supra* note 5.

available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–96–28 and should be submitted by September 3, 1996.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[29] that the proposed rule change (File No. SR–Amex–96–28), as amended, is approved, on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–20574 Filed 8–12–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37532; File No. SR–CHX–96–15]

Self-Regulatory Organizations; the Chicago Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Assignment and Reassignment of Nasdaq National Market Issues

August 6, 1996.

I. Introduction

On May 16, 1996, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend Interpretation and Policy .01 of Rule 1 of Article XXX relating to assignments and reassignments of Nasdaq Market (''NM'') securities.

The proposed rule change was published for comment in the Federal Register on June 25, 1996.[3] No comments were received on the proposal.

II. Background

In 1987, the Commission approved the trading of Nasdaq/NM Securities (previously known as NASDAQ/NMS Securities) on the Exchange on a pilot basis.[4] When these stocks were initially allocated, the Exchange's Committee on Specialist Assignment and Evaluation (''CSAE'') established certain guidelines for assignment of Nasdaq/NM stocks. These guidelines required a firm that desired to trade these stocks to assign a separate co-specialist that only trades Nasdaq/NM stocks. As a result, only a small number of firms could receive allocations of Nasdaq/NM stocks. In part because of this limitation, the CSAE also determined to re-post any Nasdaq/NM stocks when they list on an exchange.

Because of the recent expansion of the number (from 100 to 500) of Nasdaq/NM securities that are eligible for trading on the CHX,[5] the Exchange believes that a more equitable balance is needed between the ability of the current specialist firm in the Nasdaq stock to continue to trade the stock after it lists on an exchange and other specialists that desire to trade the stock. Thus, the purpose of the proposed rule change is to amend the Exchange's allocation policy in order to achieve this equitable balance.

III. Description of Proposal

As discussed in the Notice, the proposal would amend Interpretation and Policy .01 of Rule 1 of Article XXX to provide new guidelines for the reassignment of Nasdaq/NM securities currently assigned to a CHX specialist when they become a Dual Trading System Issue. Under the proposed policy, the 500 Nasdaq/NM stocks that are eligible for trading on the CHX would be divided into two groups: the 100 original issues and the 400 recently added issues.

1. 100 Original Issues

Under the proposal, a specialist unit that trades one or more of the original 100 Nasdaq/NM issues would be permitted to designate up to five of these issues as ''Non-Reassignment Issues.'' In the event that a Non-Reassignment Issue became listed, *i.e.,* a Dual Trading System Issue,[6] CSAE under normal circumstances would not post the issue for reassignment. Instead, the existing Nasdaq/NM specialist unit would be permitted to continue to trade the issue assuming the proposed co-specialist for the issue is qualified. A specialist unit could change the issues it designates as Non-Reassignment Issues no more than once a year. Every time a Non-Reassignment Issue becomes a Dual Trading System Issue, however, the total number of stocks that the specialist unit can designate as a Non-Reassignment Issue is decremented. For example, if two Non-Reassignment Issues become Dual Trading Issues, the specialist will only be able to designate a total of three issues as Non-Reassignment Issues going forward.

For all other Nasdaq/NM issues that are part of the initial 100 issues, a specialist unit can nonetheless designate its interest to continue trading the issue as a Dual Trading System Issue. This designation can only be made at the time that an issue becomes a Dual Trading System Issue and can only be made for one out of every three issues that the specialist unit trades that becomes a Dual Trading System Issue. If this designation is made, the CSAE, under normal circumstances, will not post the issue or initiate reassignment proceedings. If a designation is not made, the CSAE will post the issue and initiate reassignment proceedings. The specialist unit that traded the issue will not be eligible to apply for the security in these proceedings. Finally, if the specialist unit does not make this designation for any of three consecutive issues that become Dual Trading System

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[29] 15 U.S.C. 78s(b)(2).

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Securities Exchange Act Release No. 37327 (June 19, 1996), 61 FR 32870 (June 25, 1996) (notice of File No. SR–CHX–96–15) (''Notice'').

[4] See Securities Exchange Act Release Nos. 24407 (April 29, 1987), 52 FR 17349 (May 7, 1987) (order approving proposed Reporting Plan for National Market System Securities traded on an exchange); 24406 (April 29, 1987), 52 FR 17495 (May 8, 1987) (order granting Unlisted Trading Privileges (''UTP'') in 25 issues).

Prior to the enactment of the UTP Act of 1994 (''UTP Act''), Section 12(f) of the Act required exchanges to apply to the Commission, and receive Commission approval of the exchange's application, before extending UTP to a particular security. When an exchange ''extends UTP'' to a security, the exchange allows its members to trade the security as if it were listed on the exchange. The Commission was required to provide interested parties with at least ten days notice of the application and the Commission had to determine whether the extension of UTP to each security named met certain criteria. If so, the Commission published an approval order in the Federal Register. Accordingly, Exchange Interpretation and Policy .01 of Rule 1 of Article XXX reflects this statutory scheme in that it references ''obtaining'' UTP from the Commission. The UTP Act, however, removed the application, notice, and Commission approval process from Section 12(f) of the Act. For this reason, as requested in the Notice, the Commission again requests that the Exchange submit a rule proposal that appropriately amends Exchange Interpretation and Policy .01 of Rule 1 to reflect the current statutory scheme.

In addition, the Commission noted in the Notice that NASDAQ/NMS Securities are now known as Nasdaq/NM Securities. In response, the Exchange submitted a rule proposal that amends all appropriate Exchange Rules and Interpretations to reflect this new terminology. See File No. SR–CHX–96–22 (received by the Commission on July 29, 1996).

[5] See Securities Exchange Act Release Nos. 28146 (Jun. 26, 1990), 55 FR 27917 (July 6, 1990) (order expanding the number of eligible securities to 100); 36102 (August 14, 1995), 60 FR 43626 (August 22, 1995) (order expanding the number of eligible securities to 500).

[6] According to the Exchange, Dual Trading System Issues are issues that are traded on the CHX and listed on either the New York Stock Exchange or American Stock Exchange. Telephone conversation on June 5, 1996 between David T. Rusoff, Attorney, Foley & Lardner, and George A. Villasana, Attorney, Division of Market Regulation, SEC.

Issues, he or she cannot carry forward the unused designation.

2. Other Nasdaq/NM Securities

Under the proposal, if a Nasdaq/NM security that is not part of the original 100 issues becomes a Dual Trading System Issue within one year of the date that the specialist began trading the security, the security will be posted and the CSAE will initiate a reassignment proceeding for the security. If a Nasdaq/NM security that is not part of the original 100 issues becomes a Dual Trading System Issue more than one year after the date that the specialist began trading the security, a specialist unit that trades that security would be permitted to designate 20% of the Nasdaq/NM securities assigned to that specialist unit (excluding the original 100 Nasdaq/NM securities) as Non-Reassignment Issues every year. A specialist unit could change the issues it designates as Non-Reassignment Issues no more than once a year.

For all other Nasdaq/NM securities, the specialist can designate its interest to continue trading the issue as a Dual Trading System issue. As is the case for the 100 original issues, this designation can also only be made at the time an issue becomes a Dual Trading System Issue and can also only be made for one out of every three issues that the specialist unit trades that becomes a Dual Trading System Issue. This designation will operate in the same manner as the similar designation described above for the original 100 issues.

Finally, this proposed rule change does not limit or modify the authority of the CSAE granted to the CSAE under any other provision of Rule 1 of Article XXX.

IV. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[7] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest for the reasons set forth below.

In 1987, when the Commission approved on a pilot basis the trading of Nasdaq/NM securities on the CHX, the CSAE established guidelines for the assignment of Nasdaq/NM stocks. These guidelines required a firm interested in trading these stocks to assign a separate co-specialist that only trades Nasdaq/NM stocks. As a result, only a limited number of firms received allocations of Nasdaq/NM stocks. To achieve a more equitable allocation of these securities, the CSAE determined that once a Nasdaq/NM issue became listed on an exchange, the CSAE would post the issue for reassignment. As a result, specialist units that were originally allocated Nasdaq/NM securities may not be allocated that security despite their investment of capital, time, and effort to make a market in the security.

The Commission notes that specialists play a crucial role in providing stability, liquidity and continuity to the trading of securities. Among the obligations imposed upon specialists by the Act and the rules thereunder, is the maintenance of fair and orderly markets in their designated securities. To ensure that specialists fulfill these obligations, it is important that securities be allocated in an equitable and fair manner and that all specialists have a fair opportunity for allocations based on established criteria and procedures. The Commission believes that the proposed rule is consistent with the specialists' obligations and provides for the allocation of securities in an equitable and fair manner.

Specifically, the Commission agrees with the CHX that it is important to balance the interests of competition for the allocation of Nasdaq/NM issues that become listed, with providing incentives to specialists to continue to expend capital, time, and effort to make a market in that Nasdaq/NM security before it becomes listed. The Commission believes, therefore, that it is not unreasonable for a specialist who has been allocated a security for more than one year to be able to designate it as a Non-Reassignment Issue subject to certain limitations. Moreover, it is not unreasonable for a specialist who has been allocated a security for more than one year also to designate its interest to continue trading issues as a Dual Trading System Issue subject to certain conditions.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–CHX–96–15) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–20576 Filed 8–12–96; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

[Release No. 34–37254; File No. SR–PHLX–96–29]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Extending the Pilot Program for Equity and Index Option Specialist Enhanced Parity Split Participants

August 5, 1996.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 22, 1996, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to extend until August 26, 1997, the Exchange's enhanced parity participation (''Enhanced Parity Split'') pilot program for equity and index option specialists (''Pilot Program''). Revisions to Exchange Rule 1014(g)(ii) and its corollary Option Floor Procedure Advice B–6 (''Advice B–6'') are proposed only to change the expiration date of the Pilot Program. The text of the proposed rule change is available at the Office of the Secretary, the PHLX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at

[1] 15 U.S.C. 78s(b)(1).

the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 26, 1994, the Commission approved, as a one-year pilot program, the Exchange's proposal to adopt an enhanced specialist participation in parity equity option trades.[2] On November 30, 1994, the Commission approved the Exchange's request to expand the Enhanced Parity Split to include index option specialists as well as equity option specialists.[3] The Enhanced Parity Split was again amended on March 1, 1995 to modify the Pilot Program with respect to situations where less than three controlled accounts[4] are on parity with the specialist.[5] At the termination of the first year of the pilot, the Exchange determined to renew the pilot for an additional year and that renewal expires on August 26, 1996.[6]

The program works as follows: When an equity or index option specialist is on parity with one controlled account and the order is for more than five contracts, the specialist will receive 60 percent of the contracts and the controlled account will receive 40 percent. When the specialist is on parity with two controlled accounts and the order is for more than five contracts, the specialist will receive 40 percent of the contracts and each controlled account will receive 30 percent. When the specialist is on parity with three or more controlled accounts and the order is for more than five contracts, the specialist will be counted as two crowd participants when dividing up the contracts. In any of these situations, if a customer is on parity, he will not be disadvantaged by receiving a lesser allotment than any other crowd participant, including the specialist.

This enhanced split is not applicable to all equity and index options traded on the Exchange. It is only applicable to 50% of each specialist unit's issues listed as of the renewal date of the pilot each year and all option classes listed after that date. The Exchange also has a different enhanced split program in place for ''new'' option specialist units trading newly listed options classes where the specialist is on parity with two or more registered options traders (''ROTs'').[7] That program was approved on a permanent basis and, therefore, is not included in the subject of this filing.

Accordingly, the PHLX requests that the two-for-one specialist enhanced parity split pilot be extended until August 26, 1997.

In the Commission's most recent Approval Order,[8] it was noted that prior to granting another extension or permanent approval of the pilot program, the Commission would require the Exchange to submit a report (''Report'') discussing: (1) Whether the Pilot Program has generated any evidence of any adverse effect on competition or investors, in particular, or the market for equity or index options, in general; (2) whether the Exchange has received any complaints, either written or otherwise, concerning the operation of the Pilot Program; and (3) whether the Exchange has taken any disciplinary action against, or commenced any investigations, examinations, or inquiries concerning the operation of the Pilot Program, as well as the outcome of any such matter. The statements of the Exchange, as reflected below, constitute the Report.

As to the issue of competition, the Exchange found that the split as originally proposed was overly burdensome when only one or two controlled accounts were on parity with the specialist, so the rule was amended in March of 1995 in order to make the split more equitable in those situations.[9] Subsequently, the Exchange established a subcommittee composed of four specialists, four ROTs, and one floor broker who represents customers. The subcommittee met twice recently to analyze the program and its effect on competition, investors and the market in general. The members of the subcommittee which represent all of the different interests on the trading floor and in the market, discussed the operation of the program and concluded that there was no evidence of any adverse effects on competition or investors or the market for equity or index options.

As to the second issue, the provision requiring the specialist to assure that the customer is not disadvantaged has been strictly enforced without incident and the Exchange has not received any complaints either orally or in writing from investors regarding inequitable splits or the program in general.[10]

Finally, as to the third point, the Exchange took one disciplinary case against an equity option specialist for making an inequitable split among himself and the ROTs in the crowd this year.[11] In that instance, the specialist was censured and suspended for one week as part of a settlement. The specialist has since left the Exchange.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[12] in general and in particular, with Section 6(b)(5),[13] in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest. Specifically, the proposal balances the competing interests of specialists and market makers while assisting the specialist in making tight and liquid markets in its assigned issues and protects the public interest by requiring quarterly reviews and assuring that the customers' participation is never disadvantaged by the enhanced split.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that

[2] Securities Exchange Act Release No. 34606 (Aug. 26, 1994), 59 FR 45741 (Sept. 2, 1994) (order approving File No. SR–PHLX–94–12).

[3] Securities Exchange Act Release No. 35028 (Nov. 30, 1994), 59 FR 45741 (Dec. 7, 1994) (notice of filing and immediate effectiveness of File No. SR–PHLX–94–57).

[4] A controlled account is defined as ''any account controlled by or under common control with a member broker-dealer.'' Customer accounts, which include discretionary accounts, are defined as all accounts other than controlled accounts and specialist accounts. See Exchange Rule 1014(g).

[5] Securities Exchange Act Release No. 35429 (Mar. 1, 1995), 60 FR 12802 (Mar. 8, 1995) (order approving File No. SR–PHLX–94–59).

[6] Securities Exchange Act Release No. 36122 (Aug. 18, 1995), 60 FR 44530 (Aug. 28, 1995) (notice of filing and immediate effectiveness of File No. SR–PHLX–95–54).

[7] Securities Exchange Act Release No. 34109 (May 25, 1994), 59 FR 28570 (June 2, 1994) (order approving File No. SR–PHLX–93–29).

[8] Release No. 34–36122, *supra* note 6, n.14.

[9] Release No. 34–35429, *supra* note 5.

[10] According to the Exchange, its Matched Order Ticket System requires trade participants to submit matched tickets to the appropriate person at the specialist post immediately upon effecting a transaction in order to assure, among other things, that the party agrees with each contra-party's claim as to his or her level of participation. Telephone conversation on August 2, 1996 between Michelle R. Weisbaum, Vice President and Associate General Counsel, PHLX, and George A. Villasana, Attorney, Division of Market Regulation, SEC.

[11] Enforcement No. 95–12, Business Conduct Committee, PHLX.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) does not become operative for 30 days from July 22, 1996, the date on which it was filed, and the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(e)(6) thereunder.[14]

The Commission finds that the proposal is consistent with the protection of investors and the public interest and therefore had determined to make the proposed rule change operative as of August 27, 1996. The Commission notes that, according to the Report submitted by the Exchange, no evidence exists of any adverse effects on competition or investors or the market for equity or index options, and no oral or written complaints have been received by the Exchange regarding inequitable splits or the Pilot Program in general. As a result, the Commission believes that extending the Pilot Program for one year, until August 26, 1997, is appropriate and consistent with the Act.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection or investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Philadelphia Stock Exchange. All submissions should refer to File No. SR–PHLX–96–29 and should be submitted by September 3, 1996.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–20575 Filed 8–12–96; 8:45 am]

BILLING CODE 8010–01–M

[14] 17 CFR 240.19b-4(e)(6).

[15] The Commission notes that in connection with any future request by the Exchange for the Commission to either further extend or permanently approve the Pilot Program, the Exchange will be required to submit a report discussing (1) whether the Pilot Program has generated any evidence of any adverse effect on competition or investors, in particular, or the market for equity or index options, in general, (2) whether the Exchange has received any complaints, either written or otherwise, concerning the operation of the Pilot Program, and (3) whether the Exchange has taken any disciplinary action against, or commenced any investigations, examinations, or inquiries concerning the operation of the Pilot Program, as well as the outcome of any such matter.

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 96–039]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Chemical Transportation Advisory Committee (CTAC) and its Prevention Through People (PTP) and Hazardous Substance Response Plans (HSRP) Subcommittees will meet to discuss various issues relating to the marine transportation of hazardous materials in bulk. All meetings are open to the public.

DATES: The meeting of CTAC will be held on Friday, September 6, 1996, from 9:30 a.m. to 3 p.m. The meeting of the PTP and HSRP Subcommittees will be held on Thursday, September 5, 1996, from 9:30 a.m. to 3 p.m. Written material and request to make oral presentation should reach the Coast Guard on or before August 26, 1996.

ADDRESSES: The CTAC meeting will be held in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The PTP Subcommittee meeting will be held in room 1103 at the same address. The HSRP Subcommittee meeting will be held in room 1303 at the same address. Written material and requests to make oral presentations should be sent to Commander Kevin S. Cook, Commandant (G–MSO–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Commander Kevin S. Cook, Executive Director of CTAC, or Lieutenant J.J. Plunkett, Assistant to the Executive Director, telephone (202) 267–0087, fax (202) 267–4570.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2.

Agendas of Meetings

Chemical Transportation Advisory Committee (CTAC). The agenda includes the following:

(1) Progress report from the Prevention through People (PTP) Subcommittee.

(2) Progress report from the ad-hoc 46 CFR Part 152 Subcommittee.

(3) Final report from the Hazardous Substance Response Plan (HSRP) Subcommittee.

(4) Discuss CTAC's continuing involvement in HSRP regulatory development.

(5) Discuss proposal to form a Subcommittee for revision of the vapor control system regulations.

(6) Presentation of confined space entry training video.

(7) Overview of the Chemical Distribution Institute (CDI)—an international chemical and liquefied gas carrier inspection service and database.

Prevention through People (PTP) Subcommittee. The agenda includes the following:

(1) Presentation of each subcommittee member's work and plans for the future.

(2) Review and discuss the work completed by each member.

Hazardous Substance Response Plan (HSRP) Subcommittee. The agenda includes the following:

(1) Presentation of the final report.

(2) Discuss CTAC's continuing involvement in HSRP regulatory development.

Procedural

All meetings are open to the public. At the Chairperson's discretion, members of the public may make oral presentations during the meetings. Persons wishing to make oral presentations at the meeting should notify the Executive Director no later than August 26, 1996. Written material for distribution at the meeting should reach the Coast Guard no later than August 26, 1996. If a person submitting material would like a copy distributed to each member of the committee or subcommittee in advance of the meetings. that person should submit 25 copies to the Executive Director no later than August 19, 1996.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meeting, contact Lieutenant Plunkett as soon as possible.

Dated: August 5, 1996.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 96–20524 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–14–M

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects. Further, the notice requests suggestions for topics to be presented by the agency.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on September 11, 1996, beginning at 1:30 p.m. and ending at approximately 5:00 p.m. The deadline for interested parties to suggest agenda topics is 4:15 p.m. on August 22, 1996. Questions may be submitted in advance regarding the agency's research and development projects. They must be submitted in writing by August 29, 1996, to the address given below. If sufficient time is available, questions received after the August 29 date will be answered at the meeting in the discussion period. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by August 29 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Tysons Westpark Hotel, 8401 Westpark Drive, McLean, Virginia 22102. Suggestions for specific R&D topics as described below and questions for the September 11, 1996, meeting relating to the agency's research and development programs should be submitted to the Office of the Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh St., SW, Washington, DC 20590. The fax number is 202-366–5930.

SUPPLEMENTARY INFORMATION: NHTSA intends to provide detailed presentations about its research and development programs in a series of public meetings. The series started in April 1993. The purpose is to make available more complete and timely information regarding the agency's research and development programs. This fourteenth meeting in the series will be held on September 11, 1996.

NHTSA requests suggestions from interested parties on the specific agenda topics to be presented. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by close of business at 4:15 p.m. on August 22, 1996. Before the meeting, it will publish a notice with an agenda listing the research and development topics to be discussed. The agenda can also be obtained by calling or faxing the information numbers listed elsewhere in this notice. NHTSA asks that the suggestions be limited to six, in priority order, so that the presentations at the September 11 R&D meeting can be most useful to the audience. Specific R&D topics are listed below. Many of these topics have been discussed at previous meetings. Suggestions for agenda topics are not restricted to this listing, and interested parties are invited to suggest other R&D topics of specific interest to their organizations.

Specific R&D topic is:
- On-line tracking system for NHTSA's research projects.

Specific Crashworthiness R&D topics are:
- Air bag assessment research,
- Improved frontal crash protection (program status, problem identification, offset testing),
- Advanced glazing research,
- Vehicle aggressivity and fleet compatibility,
- Upgrade side crash protection,
- Upgrade seat and occupant restraint systems,
- Child safety research (ISOFIX),
- Child restraint/air bag interaction (CRABI) dummy testing,
- Truck crashworthiness/occupant protection,
- Highway traffic injury studies,
- Head and neck injury research,
- Lower extremity injury research,
- Thorax injury research,
- Human injury simulation and analysis,
- Refinements to the Hybrid III dummy, and
- Advanced frontal test dummy.

Specific Crash Avoidance R&D topics are:
- Strategic plan for NHTSA's Intelligent Transportation Systems (ITS) program for 1997–2002,
- Estimation of safety benefits for ITS collision avoidance systems,
- Truck tire traction,
- Portable data acquisition system for crash avoidance research (DASCAR),
- Systems to enhance EMS response (automatic collision notification),
- Crash causal analysis,
- Human factors guidelines for crash avoidance warning devices,
- Longer combination vehicle safety,
- Drowsy driver monitoring,
- Driver workload assessment,
- Pedestrian detection devices for school bus safety,
- Preliminary rearend collision avoidance system guidelines,
- Preliminary road departure collision avoidance system guidelines,
- Preliminary intersection collision avoidance system guidelines, and
- Preliminary lane change/merge collision avoidance system guidelines.

National Center for Statistics and Analysis (NCSA) topics are:
- Status of National Accident Sampling System (NASS), including implementation of electronic data collection and changes in sampling,
- NCSA information services, including electronic access to collected information, and
- Special crash investigation studies of air bag cases.

Separately, questions regarding research projects that have been submitted in writing not later than close of business on August 29, 1996, will be answered. A transcript of the meeting, copies of materials handed out at the meeting, and copies of the suggestions offered by commenters will be available for public inspection in the NHTSA's

Technical Reference Division, Room 5108, 400 Seventh St., SW, Washington, DC 20590. Copies of the transcript will then be available at 10 cents a page, upon request to NHTSA's Technical Reference Division. The Technical Reference Division is open to the public from 9:30 a.m. to 4:00 p.m.

NHTSA will provide technical aids to participants as necessary, during the Research and Development Programs Meeting. Thus, any person desiring the assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Rita Gibbons on 202–366–4862 by close of business September 4, 1996.

FOR FURTHER INFORMATION CONTACT: Rita Gibbons, Staff Assistant, Office of Research and Development, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202–366–4862. Fax number: 202–366–5930.

Issued: August 9, 1996.

William A. Boehly,

Associate Administrator for Research and Development.

[FR Doc. 96–20627 Filed 8–12–96; 8:45 am]

BILLING CODE 4910–59–P

Surface Transportation Board [1]

[STB Finance Docket No. 33006]

Berlin Mills Railway, Inc.—Acquisition Exemption—New Hampshire and Vermont Railroad, Inc.

Berlin Mills Railway, Inc. (BMS), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire from the New Hampshire and Vermont Railroad, Inc., 5.5 miles of rail line located between Milepost 154.6, at Berlin, NH, and Milepost 149.1, at Gorham, NH. BMS will operate the property.

The transaction is scheduled to be consummated on or after August 5, 1996.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33006, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on: Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036. Telephone: (202) 347–7170.

Decided: August 1, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–20581 Filed 8–12–96; 8:45 am]

BILLING CODE 4915–00–P

Surface Transportation Board [1]

[STB Finance Docket No. 33001]

Fort Worth and Western Railroad Company—Acquisition Exemption—Line of The Atchison, Topeka and Santa Fe Railway Company

Fort Worth and Western Railroad Company (FWWR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire a rail line of The Atchison, Topeka and Santa Fe Railway Company extending from Milepost 0.82, at Belt Junction, to Milepost 1.29, a distance of approximately 0.47 miles, in the City of Fort Worth, Tarrant County, TX. FWWR will operate the property.

The transaction was scheduled to be consummated on or after July 31, 1996.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33001, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on: Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, N.W., Suite 400, Washington, DC 20036. Telephone: (202) 293–6300.

Decided: August 1, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–20580 Filed 8–12–96; 8:45 am]

BILLING CODE 4915–00–P

Surface Transportation Board [1]

[STB Finance Docket No. 33012]

Warren & Trumbull Railroad Company—Acquisition Exemption—Lines of Consolidated Rail Corporation

Warren & Trumbull Railroad Company (WTRC), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire from Consolidated Rail Corporation (Conrail) 12.9 miles of rail line (Lordstown Cluster Lines) in the State of Ohio between Milepost 15.5 and Milepost 17.3, in North Warren; between Milepost 17.3, in Warren, and Milepost 20.0, in North Warren; between Milepost 57.0, at Deforest, and Milepost 58.5, at Niles; between Milepost 62.1, at Niles, and Milepost 66.4, at Youngstown; between Milepost 0.0, at Brier Hill, and Milepost 0.7, at Leadville; and between Milepost 4.1, at Ohio Works Junction, and Milepost 6.0, at Girard. In addition, WTRC will acquire incidental trackage rights to operate over the Conrail line between Youngstown and Warren, OH, for the purpose of connecting operations over the Lordstown Cluster Lines and between these lines and WTRC's existing lines, and facilitating an interchange with Conrail at its Haselton Yard. WTRC will operate the property.

The transaction was scheduled to be consummated on or after August 2, 1996.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33012, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a

[1] The ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10902.

[1] The ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10902.

[1] The ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10902.

copy of each pleading must be served on: Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036. Telephone: (202) 347–7170.

Decided: August 5, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–20579 Filed 8–12–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

[Treasury Order Number 103–01]

Delegation of Authority to the Under Secretary (Domestic Finance) To Serve as the Chairperson of the Thrift Depositor Protection Oversight Board

August 6, 1996.

1. By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b) and section 21A(a)(9) of the Federal Home Loan Bank Act (''the Act'') (12 U.S.C. 1441a(a)(9)), I hereby delegate to the Under Secretary (Domestic Finance) the authority of the Secretary of the Treasury under sections 21A and 21B of the Act (12 U.S.C. 1441a and 1441b) to:

a. Serve as the Chairperson of the Thrift Depositor Protection Oversight Board, except as may be prohibited by statute; and

b. Exercise any right or power, make any finding or determination, or perform any duty or obligation which the Secretary of the Treasury is authorized to exercise, make, or perform under sections 21A and 21B of the Act, except as may be prohibited by statute.

2. The authority delegated herein may be redelegated in writing to an official of the Department who has been appointed by the President with the advice and consent of the Senate.

Robert E. Rubin,

Secretary of the Treasury.

[FR Doc. 96–20550 Filed 8–12–96; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Office of Thrift Supervision

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Collection; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Office of Thrift Supervision (OTS), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comments.

SUMMARY: The OCC, OTS, Board, and FDIC (Agencies) as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Agencies are soliciting comments concerning a group of information collections concerning certain corporate changes. The information collections are titled: Interagency Notice of Change in Control, Interagency Notice of Change in Director and Senior Executive Officer, and Interagency Biographical and Financial Report. In the case of the OCC, these collections are a part of the Comptroller's Corporate Manual.

DATES: Written comments should be submitted by October 15, 1996.

ADDRESSES: Direct written comments as follows:

OCC: Communications Division, Attention: 1557–0014, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–5274, or by electronic mail to REGS.COMMENTS@OCC.TREAS.GOV.

OTS: Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, Attention: 1550–0032. These submissions may be hand-delivered to 1700 G Street, NW, from 9:00 a.m. to 5:00 p.m. on business days; they may be sent by facsimile transmission to (202) 906–7755. Comments over 25 pages in length should be sent to Fax (202) 906–6956. Comments will be available for inspection at 1700 G Street, NW, from 9:00 until 4:00 p.m. on business days.

Board: William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB Desk Officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FDIC: Jerry Langley, Executive Secretary, Attention: Room F–402, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments may be hand-delivered to Room F–402, 1776 F Street, NW, Washington, DC 20429 on business days between 8:30 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: COMMENTS@FDIC.GOV]. Comments will be available for inspection and photocopying in Room 7118, 550 17th Street, NW, Washington, DC 20429, between 9:00 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the collection may be obtained by contacting:

OCC: Jessie Gates or Dionne Walsh, (202) 874–5090, Legislative and Regulatory Activities Division (1557–0014), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

OTS: Scott Ciardi, Financial Analyst, Corporate Activities, (202) 906–6960, or Frances C. Augello, Senior Counsel, Business Transactions Division, (202) 906–6151, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552. Copies of the forms with instructions are available for inspection at 1700 G Street, NW, from 9:00 a.m. until 4:00 p.m. on business days or from PubliFax, OTS' Fax-on-Demand system, at (202) 906–5660.

Board: Mary M. McLaughlin, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington,

DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), contact Dorothea Thompson, (202) 452–3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Title: Interagency Notice of Change in Control, Interagency Notice of Change in Director or Senior Executive Officer, and Interagency Biographical and Financial Report.

OCC's Title: Comptroller's Corporate Manual. The specific portions of the Comptroller's Corporate Manual covered by this notice are those that pertain to the Notice of Change in Control, Notice of Change in Director and Senior Executive Officer, and Biographical and Financial Report, each of which will become interagency forms.

OMB Number:

OCC: 1557–0014

OTS: Change in Control, 1550–0032; Change in Director or Senior Executive Officer, 1550–0047; Biographical and Financial Report, 1550–0005, 1550–0015, 1550–0032, 1550–0047.

Board: 7100–0134

FDIC: Change in Control, 3064–0019; Change in Director or Senior Executive Officer, 3064–0097; Biographical and Financial Report, 3064–0006.

Form Number

OCC: None.

OTS: Notice of Change in Control of An Insured Association or Savings and Loan Holding Company, Form 1622; Change in Director or Senior Executive Officer, Form 1624; Biographical and Financial Report, Form 1623.

Board: Interagency Notice of Change in Bank Control, FR 2081a; Interagency Notice of Change in Director and Senior Executive Officer, FR 2081b; Interagency Biographical and Financial Report, FR 2081c.

FDIC: Notice of Acquisition of Control, Form 6822/01; Notification of Addition of a Director or Employment of a Senior Executive Officer, Form 6810/01; Financial Report/Biographical Information, Form 6200/06.

Abstract: This submission covers a revision to make uniform among the Agencies three forms regarding certain corporate activities. The forms are the Interagency Notice of Change in Control, Interagency Notice of Change in Director and Senior Executive Officer, and Interagency Biographical and Financial Report. The Agencies need the information collected to insure that the covered proposed activities are permissible under law and regulation and are consistent with safe and sound banking practices. Further, the Agencies use the information to evaluate specific individuals' qualifications. Both financial institutions and individuals must provide this information.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; Business or other for-profit.

Number of Respondents

OCC: Interagency Notice of Change in Control—20; Interagency Notice of Change in Director and Senior Executive Officer—400; Interagency Biographical and Financial Report—970.

OTS: Interagency Notice of Change in Control—20; Interagency Notice of Change in Director and Senior Executive Officer—204; Interagency Biographical and Financial Report—594.

Board: Interagency Notice of Change in Control—300; Interagency Notice of Change in Director and Senior Executive Officer—280; Interagency Biographical and Financial Report—1,000.

FDIC: Interagency Notice of Change in Control—40; Interagency Notice of Change in Director and Senior Executive Officer—1,100; Interagency Biographical and Financial Report—3,000.

Total Annual Responses

OCC: Interagency Notice of Change in Control—20; Interagency Notice of Change in Director and Senior Executive Officer—400; Interagency Biographical and Financial Report—970.

OTS: Interagency Notice of Change in Control—20; Interagency Notice of Change in Director and Senior Executive Officer—204; Interagency Biographical and Financial Report—594.

Board: Interagency Notice of Change in Control—300; Interagency Notice of Change in Director and Senior Executive Officer—280; Interagency Biographical and Financial Report—1,000.

FDIC: Interagency Notice of Change in Control—40; Interagency Notice of Change in Director and Senior Executive Officer—1,100; Interagency Biographical and Financial Report—3,000.

Frequency of Response: On occasion.

Total Annual Burden Hours

OCC: Interagency Notice of Change in Control—600 hours; Interagency Notice of Change in Director and Senior Executive Officer—800 hours; Interagency Biographical and Financial Report—1,940 hours. Total: 3,340 burden hours.

OTS: Interagency Notice of Change in Control—600; Interagency Notice of Change in Director and Senior Executive Officer—408; Interagency Biographical and Financial Report—1,968. Total: 2,976 burden hours.

Board: Interagency Notice of Change in Control—9,000; Interagency Notice of Change in Director and Senior Executive Officer—560; Interagency Biographical and Financial Report—4,000. Estimated Total: 13,560 burden hours.

FDIC: Interagency Notice of Change in Control—1,200; Interagency Notice of Change in Director and Senior Executive Officer—2,200; Interagency Biographical and Financial Report—12,000. Total: 15,400 burden hours.

COMMENTS: Comments submitted in response to this notice will be summarized and/or included in each Agency's request for OMB approval. All comments will become a matter of public record. Written comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: August 2, 1996.

Karen Solomon,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Dated: July 31, 1996.

By the Office of Thrift Supervision.

Catherine C. M. Teti,

Director, Records Management and Information Policy.

Board of Governors of the Federal Reserve System, August 2, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

Dated: July 31, 1996.

By the Federal Deposit Insurance Corporation.

Steven F. Hanft,

Assistant Executive Secretary (Regulatory Analysis).

[FR Doc. 96–20547 Filed 8–12–96; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P; 6720–01–P

Internal Revenue Service

Proposed Collection; Comment Request For Regulation Project INTL–54–91 (Formerly INTL–61–86) and INTL–178–86

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, INTL–54–91 (formerly INTL–61–86) and INTL–178–86, Transfers of Stock or Securities by U.S. Persons to Foreign Corporations, and Foreign Liquidations and Reorganizations (§§ 1.367(a)–8, 1.367(b)–1(c), 1.367(b)–5(d)(3)).

DATES: Written comments should be received on or before October 15, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Transfers of Stock or Securities by U.S. Persons to Foreign Corporations, and Foreign Liquidations and Reorganizations.

OMB Number: 1545–1271.

Regulation Project Number: INTL–54–91 (formerly INTL–61–86) and INTL–178–86 (Notice of proposed rulemaking).

Abstract: A United States entity must generally file a gain recognition agreement with the IRS in order to defer gain on a Code section 367(a) transfer of stock to a foreign corporation, and must file a notice with the IRS if it realizes any income in a Code section 367(b) exchange. These requirements ensure compliance with the respective Code sections.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 600.

Estimated Time Per Respondent: The estimated annual burden per respondent varies from .5 minutes to 8 hours, depending on individual circumstances, with an estimated average of 4 hours.

Estimated Total Annual Burden Hours: 2,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 7, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–20624 Filed 8–12–96; 8:45 am]

BILLING CODE 4830–01–U

Proposed Collection; Comment Request for Regulation Project IA–62–93

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking and temporary regulation, IA–62–93 (TD 8509), Certain Elections Under the Omnibus Budget Reconciliation Act of 1993 (§§ 1.1044(a)–1T, 1.108(c)–1T, 1.163(d)–1T, 1.6655(e)–1T).

DATES: Written comments should be received on or before October 15, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Certain Elections Under the Omnibus Budget Reconciliation Act of 1993.

OMB Number: 1545–1421.

Regulation Project Number: IA–62–93 (Notice of proposed rulemaking and temporary regulation).

Abstract: These regulations established various elections enacted by the Omnibus Budget Reconciliation Act of 1993 (OBRA) and provided immediate interim guidance of the time and manner of making the elections. These regulations enable taxpayers to take advantage of various benefits provided by OBRA and the Internal Revenue Code.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: 410,000.

Estimated Time Per Respondent: The estimated annual burden per respondent varies from 15 minutes to 45 minutes, depending on individual circumstances, with an estimated average of 30 minutes.

Estimated Total Annual Burden Hours: 202,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 6, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–20626 Filed 8–12–96; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES ENRICHMENT CORPORATION

Sunshine Act Meeting

AGENCY: United States Enrichment Corporation, Board of Directors.

TIME AND DATE: 7:55 a.m., Friday, August 9, 1996.

PLACE: USEC Corporate Headquarters, 6903 Rockledge Drive, Bethesda, Maryland 20817.

STATUS: The teleconference meeting will be closed to the public.

MATTER TO BE CONSIDERED:

- Review of commercial and financial issues of the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Barbara Arnold, 301–564–3354.

Dated: August 8, 1996.

William H. Timbers, Jr.,

President and Chief Executive Officer.

[FR Doc. 96–20690 Filed 8–9–96; 10:52 am]

BILLING CODE 8720–01–M

DEPARTMENT OF VETERANS AFFAIRS

Agency Information Collection: Submission for OMB Review; Comment Request

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management, Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Control Number: 2900–0548.

Title and Form Number: VA Voluntary Customer Surveys to Implement Executive Order 12862.

Type of Review: Extension of a currently approved collection.

Need and Uses: In compliance with Executive Order 12862, the Department of Veterans Affairs (VA) will continue to conduct a series of qualitative and quantitative information collection to determine the kind of services its direct and indirect customers want, as well as customer levels of satisfaction with existing services. The surveys will solicit voluntary opinions. They will not be used to collect information required to obtain or maintain eligibility for a VA program or benefit. Baseline data obtained through these information collections will be used to develop customer service standards. VA is requesting generic approval to conduct a series of information collections over the next 3 years.

Affected Public: Individuals and households—Business or other for-profit—Not-for-profit institutions—State, Local or Tribal Government.

Estimated Annual Burden: 546,762 hours.

Estimated Average Burden Per Respondent: 30 minutes (average).

Frequency of Response: On occasion.

Estimated Number of Respondents: 273,381.

ADDRESSES: Copies of these submissions may be obtained from Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. DO NOT send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before September 12, 1996.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 273–8015.

Dated: July 31, 1996.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–20545 Filed 8–12–96; 8:45 am]

BILLING CODE 8320–01–M

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before October 15, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document the VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0180.

Title and Form Number: Compliance Report of Proprietary Institutions, VA Form 27–4274.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Need and Uses: The form will be used to collect statistical information from proprietary schools which receive Federal assistance from the VA and the Department of Education to determine compliance with applicable civil rights statutes and regulations.

Current Actions: VA Form 27–4274 is required by 38 CFR 18.06(b) and 38 CFR 18.6(c). These regulations, in part, provide that proprietary institutions receiving Federal financial assistance shall keep records and submit to the VA ''timely, complete and accurate compliance reports'' in a manner which will enable the VA to ascertain the compliance status of the institutions. In addition, Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, delegates authority to the Attorney General for enforcement of Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Title VI prohibits discrimination on the bases of race, color, and national origin in programs that receive Federal financial assistance. Title IX prohibits discrimination on the basis of sex in those programs as well. As lead agency, the Department of Justice directs Federal agencies that extend Federal financial assistance to make a determination of an applicant's compliance with these laws (28 CFR 42.406). In order to determine a proprietary educational institution's compliance with Title VI and Title IX, the VA, through the use of VA Form 27–4274, collects and analyzes statistical information on the number of enrollees by race, color, national origin, and sex.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 124 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 124.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Jacquie McCray, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 273–8032 or FAX (202) 273–5981.

Dated: July 26, 1996.

By direction of the Secretary:

William T. Morgan,

Management Analyst.

[FR Doc. 96–20546 Filed 8–12–96; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday
August 13, 1996

Part II

Farm Credit Administration

12 CFR Part 613, et al.

Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions; Definitions; Disclosure to Shareholders; Nondiscrimination in Lending; Capital Adequacy and Customer Eligibility; Proposed Rule

FARM CREDIT ADMINISTRATION

12 CFR Parts 613, 614, 615, 618, 619, 620, and 626

RIN 3052–AB10

Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions; Definitions; Disclosure to Shareholders; Nondiscrimination in Lending; Capital Adequacy and Customer Eligibility

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA) through the FCA Board (Board) publishes for comment proposed amendments (reproposed rule) to the current regulations governing the capital adequacy provisions and the customer eligibility provisions for Farm Credit System (Farm Credit, FCS, or System) institutions. This rule adds core surplus and total surplus standards for banks, associations, and the Farm Credit Leasing Services Corporation (Leasing Corporation); adds a collateral ratio for banks; and adds procedures for setting higher capital standards for individual institutions and for issuing capital directives, when warranted. This rule also incorporates recent statutory amendments to the Farm Credit Act of 1971, as amended (Act), which govern the eligibility rules for lending under title III of the Act and provide Farm Credit banks and associations new authorities to participate with non-System lenders in loans to similar entities. Subsequent to the closing of the comment period for the original proposal, the Farm Credit System Reform Act of 1996 (1996 Reform Act) was enacted, necessitating certain conforming changes in the rule. The reproposal eliminates restrictions in the current eligibility regulations that are not required by the Act and makes other technical, clarifying, and conforming changes. This rule relocates the nondiscrimination in lending regulations to a new part without change.

DATES: Written comments should be received on or before September 12, 1996.

ADDRESSES: Comments may be mailed or delivered to Patricia W. DiMuzio, Associate Director, Regulation Development, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090 or sent by facsimile transmission to FAX number at (703) 734–5784. Copies of all communications received will be available for examination by interested parties in the Office of Examination, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Dennis K. Carpenter, Senior Policy Analyst, and John J. Hays, Policy Analyst, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444,

or

Rebecca S. Orlich, Senior Attorney, and Richard A. Katz, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: The FCA published proposed amendments to the capital provisions of its regulations for Farm Credit institutions on July 25, 1995. See 60 FR 38521. Proposed amendments to the eligibility and scope of financing provisions of its regulations were published on September 11, 1995. See 60 FR 47103. The 90-day comment periods expired on October 25 and December 11, 1995, respectively. The FCA received over 300 comment letters from a wide audience in response to these proposed amendments. In response to the concerns of the commenters, the FCA has decided to repropose the amendments. Additionally, the proposals regarding System capital adequacy and customer eligibility requirements have been combined in a single rulemaking.

I. Summary of the Reproposed Rule

A. The capital provisions of the reproposed regulations incorporate the following provisions:

1. The 7-percent total surplus ratio remains unchanged from the originally proposed regulations.

2. The unallocated surplus ratio contained in the originally proposed rule has been renamed the core surplus ratio and has been expanded to include other equities that are perpetual in nature and function. The minimum core surplus ratio would remain at 3.5 percent and include an institution's:

- Undistributed earnings/unallocated surplus;
- Perpetual stock; and
- Nonqualified allocated equities.

The aforementioned stock and equities could not be subject to an established practice or plan of retirement or distribution. For an association, the core surplus ratio would be calculated net of its net investment in its affiliated bank.

3. The computation of the net collateral ratio for banks excludes the effect of market fluctuations on the value of eligible investments, and the minimum standard is revised from the 104-percent standard in the original proposal to 103 percent of total liabilities.

4. The use of risk-sharing agreements or similar contractual arrangements would be permitted on a temporary basis as part of an association's initial effort to reach the 3.5-percent core surplus ratio. After building its core surplus to 3.5 percent, each association would be required to maintain capital at this level net of its bank investment.

5. The remaining provisions of the originally proposed regulations setting forth procedures for establishing individual institution capital ratios and for issuing capital directives are reproposed in substantially the same form as originally proposed.

B. The eligibility provisions applicable to title I and title II lenders have been substantially narrowed from the original proposal and incorporate the following changes:

1. All bona fide farmers, ranchers, and aquatic producers or harvesters remain eligible to borrow from the FCS for any agricultural or aquatic purpose. However, the reproposed regulation imposes additional restrictions on System loans for other credit needs. Under this reproposal, non-resident foreign nationals, farm owners who do not engage in agricultural production or farm management, and only legal entities meeting certain farmer ownership and agricultural activity tests could not obtain FCS financing for non-agricultural business needs. The reproposed regulation, however, permits individuals who are citizens and permanent residents of the United States and certain legal entities to obtain limited FCS financing for a non-agricultural business purpose if they actively farm, ranch, or fish. Non-agricultural business purposes could not exceed the market value of the borrower's agricultural assets. Under the reproposed regulation, active farmers could obtain System financing for their housing and domestic needs without restriction, but owners of agricultural land could borrow for their housing and domestic needs only in an amount that does not exceed the value of their agricultural assets. Non-resident foreign nationals could borrow for housing and domestic needs that are reasonably related to their agricultural operations. Finally, the FCA rescinds its original proposal to prohibit Farm Credit Banks (FCBs) and direct lender associations from extending credit to cooperatives and other entities that are eligible to borrow from a title III bank.

2. The reproposed regulation would permit a legal entity to obtain financing for a processing or marketing operation only if a majority of ownership is held by eligible borrowers.

3. The reproposed regulation clarifies that farm-related businesses can receive System financing only if they provide farm-related services that are directly related to the agricultural production of farmers and ranchers. No business activities unrelated to agriculture may be financed under this authority.

4. The reproposed regulation pertaining to rural housing would repeal a provision in the existing regulation that permits System lenders to finance non-farm rural homes in open country that has been annexed by a municipality of more than 2,500 persons. The FCA also would withdraw its original proposal to permit System lenders to offer home equity lines of credit without limitation on the borrower's use of the credit proceeds.

C. The reproposed regulations governing domestic and international lending by title III banks would implement the relevant provisions of the 1996 Reform Act and make other clarifying changes.

D. The reproposed regulation pertaining to the authority to participate in loans made to similar entities reflects two significant changes from the proposed regulation. First, the reproposed regulation would rescind a restriction in the original proposal that would have enabled a System institution to participate only in those similar entity loans that were compatible with its lending authority. Second, this reproposal would delete the non-statutory out-of-territory concurrence requirement in the proposed rule.

II. Public Comments Received

The FCA received 126 comments in response to the proposed capital adequacy regulations. Six were telephone inquiries from System institutions requesting clarification of specific provisions or providing general impressions of the proposed regulations. The FCA received 120 comment letters, including a comment letter from the System's Presidents' Finance Committee, which reflected the views of many System banks and associations (System joint comment). Of the remaining comments, three were from System banks (AgFirst FCB, Western FCB, and St. Paul Bank for Cooperatives (St. Paul BC)), one was from the Leasing Corporation, 37 were from System associations, 26 were from cooperatives that were borrowers/shareholders of a System bank, 46 were from borrowers/shareholders of a single agricultural credit association (ACA), five were from various state and national cooperative councils (the National Council of Farmer Cooperatives, the North Carolina State Grange, the Minnesota Association of Cooperatives, the Cooperative Council of North Carolina, and the Virginia Council of Farmer Cooperatives (VCFC)), and one was from the American Bankers Association (ABA) on behalf of its commercial bank members. In addition, several groups of System representatives made oral presentations of their views to Agency staff.

These commenters supported the general goals of the proposed capital regulations. The System, in its joint comment, stated that it was prepared to embrace regulations that encourage the building of a sound capital structure in System institutions and that promote confidence in the System by borrowers/shareholders, investors, and the public. The commenters noted specific areas of agreement with the FCA on a number of requirements. As described more fully below, however, each of the commenters objected to various provisions of the proposal. The ABA supported the proposed regulations to the extent that they ''stiffened'' capital requirements for System institutions but did not believe the proposal was sufficiently stringent.

The 191 comments received on the eligibility proposals included letters from seven Farm Credit banks: the FCB of Wichita; AgFirst FCB; the St. Paul BC; CoBank, Agricultural Credit Bank (CoBank); AgAmerica, FCB; the FCB of Texas; and AgriBank, FCB. Letters were also received from 70 Farm Credit associations, 29 commercial banks, 13 credit unions, 17 trade associations, 45 System borrowers, six members of Congress, and four government agencies. Trade association commenters were: the Farm Credit Council (FCC) on behalf of the eight banks and approximately 230 associations comprising the FCS; the Tenth District Federation of Production Credit Associations (Tenth District PCAs) representing the 17 production credit associations (PCAs) in Louisiana, New Mexico, and Texas; the Western District FCC representing the System lenders in Arizona, California, Hawaii, Idaho, Nevada, and Utah; the ABA, the Independent Bankers Association of America (IBAA), the Community Bankers of Kansas, the North Dakota Bankers Association (NDBA), the South Dakota Bankers Association, the Community Bankers Association of North Carolina (CBANC), each representing their member banks; the Credit Union National Association, representing more than 12,300 credit unions through their State league affiliates; the New York Credit Union League, the North Dakota Credit Union League (NDCUL), the Indiana Credit Union League, each on behalf of their member credit unions; the VCFC on behalf of 80 member cooperatives in Virginia; the Farmers' Legal Action Group, Inc. (FLAG), a non-profit law center of the National Family Farm Coalition, which represents 38 farm and rural advocacy organizations in over 30 States; and the Maine Potato Board (MPB).

Letters from government agencies included the North Dakota Department of Agriculture; the Vermont Department of Agriculture, Food and Markets; the Ohio Department of Commerce, Division of Financial Institutions; and the Federal Reserve Board. Six of the letters received from members of Congress transmitted letters on behalf of their constituents.

All of these commenters approved of the FCA's goals of consolidating, streamlining, and clarifying the eligibility regulations, and no commenter objected to regulatory relief for FCS banks and associations. Individual commercial banks, their trade associations, and FLAG, however, asserted that many of the proposed regulations exceed the FCA's objective of reducing regulatory burdens on the FCS and would expand System financing beyond the mandate of the Act. Some of these commenters recommended that the FCA withdraw the proposed eligibility regulations and refer these issues to Congress for hearings on rural credit.

III. The Reproposed Rule

After considering the comments received on the proposed regulations and further deliberating on the issues, the FCA reproposes a rule governing capital adequacy and customer eligibility for FCS financing as one. The FCA responds to the specific concerns of the commenters as it explains the provisions of the reproposal.

A. Core Surplus Ratio Capital Standard

The FCA originally proposed that institutions have unallocated surplus of at least 3.5 percent of risk-weighted assets. For this purpose, unallocated surplus included common stock and noncumulative perpetual preferred stock held by nonborrowers, provided that the institution adhered to a policy of not retiring the stock. For associations, the net investment in the affiliated bank would have been subtracted from the unallocated surplus.

A number of respondents (primarily agricultural cooperatives, cooperative councils, System associations, and association borrowers) commented on the proposed unallocated surplus ratio. They challenged the concept of differentiating between allocated and unallocated capital on the ground that it created a bias against cooperative principles. They argued that patron ownership, as characterized by allocated capital, provides the same protection to the institution as unallocated capital and should not be given a lower priority. Borrowers from the System that were themselves cooperatives expected this requirement of the originally proposed regulation to result in lower patronage distributions and, accordingly, to increase the effective interest rates of their loans. They were concerned that the regulations conveyed a message that allocated capital is of lower quality than unallocated. These groups provided the following comments:

- Allocated and unallocated capital provide the same level of institution protection.
- Cooperative principles are diluted if patron ownership is discouraged. Cooperative principles encourage matching of current earnings or losses with current patrons through earnings or loss distributions and discourage accumulation of high levels of unallocated capital. Unallocated surplus as defined in the proposed regulation would conflict with these principles.
- Subchapter T tax treatment under the Internal Revenue Code could be threatened if significant levels of earnings are diverted to unallocated surplus. The commenters viewed this as being detrimental to capital accumulation in the System and believed that such a treatment could result in double taxation of System earnings.

The commenters countered the FCA's statement that unallocated surplus provides a buffer to protect owners of allocated capital by stating that cooperative principles promote sharing the risks and rewards of the organization with patrons. Furthermore, some respondents stated that retaining substantial earnings that could otherwise be distributed to patrons might cause some business to move to competitors.

Forty-six (46) comments on this issue were from borrowers/shareholders of a single ACA. These borrowers expressed their view that the proposed unallocated surplus ratio requirement would greatly reduce patronage in their association. They objected to this result, stating that patronage allocations save taxes, enable the association to build capital, and have encouraged many borrowers who left their association in the 1980s to return.

Several of the associations and a bank suggested that all of the allocated surplus be counted in the 3.5-percent surplus requirement. However, some of the commenters also acknowledged that the FCA might be reluctant to include the entire amount of allocated equities and, therefore, suggested, at a minimum, counting nonqualified allocated equities. Nonqualified allocated equities are patronage allocations on which the institution generally pays no cash to patrons at the time of the allocation and which are included in the institution's taxable income. Should the institution make distributions of the allocations to the patrons/borrowers at some future date, the patrons/borrowers recognize taxable income at that time, and the institution may then recapture a substantial portion, if not all, of the taxes paid previously. One System association commented that nonqualified allocated surplus ''carries a much lower degree of sensitivity with members because they do not incur any tax liability until it is revolved.'' Numerous commenters, including the System in its joint comment, made similar statements regarding borrowers' reduced expectations of distributions with respect to nonqualified allocated equities.

Two commenters described classes of stock that they believe merit treatment as unallocated surplus. One association described a class of non-voting stock it has issued as patronage, rather than in connection with making a loan to a borrower. The association asserted that, because no shares have ever been retired, the stock has the same features of permanence and stability as unallocated surplus and thus should be included in the unallocated surplus ratio calculation. The association stated that it has informed the recipients of the stock that the stock will not be retired except in the unlikely event of liquidation of the association and that the value of the stock springs from the prospect of dividends that may be paid in the future, not from the prospect of retirement. The Leasing Corporation also asserted that the Class A stock and the Class C stock it has issued to Farm Credit banks have features of permanence and should likewise be included in the unallocated surplus ratio. Class A stock totaling $1.7 million is held equally by all Farm Credit banks, and such stock has been retired only in connection with bank mergers. Class C stock is issued and retired based on the amount of the net lease investments allocated to each bank.

Many System banks and associations objected to the requirement that an association deduct its net investment in its affiliated bank when computing its unallocated surplus ratio calculation. The following is a summary of the comments made by the commenters:

- The proposal would reduce the amount of earnings on which taxes could be minimized.
- The proposal could result in the elimination of noncash patronage distributions and provide an undesirable incentive to operate at or just above cost for the institutions. This could damage the financial position of the entire System.
- The proposal violates the provisions of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (1992 amendments) and is contrary to the FCA Board's policy statement on regulatory burden.
- A significant tax consequence will be incurred and reduced retained earnings will result because of some possible future financial difficulty. This does not make good business sense.
- There is no evidence that the potential increased tax liability is offset by any safety and soundness benefits.

A number of commenters qualified their assertions that bank-equity assets should be included in an association's unallocated surplus ratio calculation. For example, one commenter stated that bank-equity assets should be counted as the same quality as other investments if the ''control issue'' were adequately addressed. Another commenter stated that there is no evidence that accumulating earnings at the bank has a negative impact on association survival, as long as earnings remain accessible to the association.

The System in its joint comment proposed an alternative method for calculating the unallocated surplus ratio for associations. It proposed that an association be permitted to count the after-tax value of its investment in its funding bank, so long as the bank would continue to meet all regulatory capital standards after a pro forma retirement of the association's allocated investment. Only if the bank would fail to meet one or more capital requirements, would the association be required to deduct the entire value of its allocated bank investment.

Several institutions also suggested that a portion of the investment in the bank be deducted from the unallocated surplus and the rest of the investment be deducted from the allocated surplus. This would, according to the commenters, accomplish what they

described as the FCA's goal of requiring adequate capital that is ''interchangeable'' or ''fungible.''

In response to all of these comments, the FCA has made a number of revisions in the reproposed rule. The term ''unallocated surplus ratio'' has been replaced with the term ''core surplus ratio,'' and the types of equities or accounts that may be included in the ratio have been expanded. The core surplus ratio minimum is 3.5 percent of the risk-adjusted asset base, unchanged from the minimum in the originally proposed rule, and includes all of the equities in the proposed rule's unallocated ratio, which are: Unallocated surplus, perpetual common stock held by non-borrowers, and noncumulative perpetual preferred stock held by non-borrowers, provided that the institution has no established plan or practice of retiring such stock. Core surplus includes three additional categories of equities or accounts that are considered by the FCA to be as permanent and stable as unallocated surplus. These equities or accounts are:

1. Nonqualified patronage allocations, allocated to institution borrowers other than other System institutions, made from earnings that the institution has included in its gross taxable income at the time of allocation and that are not subject to distribution according to an established plan or practice. An institution operating on a Subchapter T basis would not be able to take a tax deduction for these allocations until they are distributed, at which time the tax liability would be passed to the recipient. In the event that a nonqualified patronage allocation is distributed, other than as a part of a *pro rata* distribution of all nonqualified allocations that were allocated in the same year, any remaining nonqualified allocations allocated in the same year will be disallowed from treatment as core surplus.

2. Perpetual stock held by borrowers other than other System institutions that was not purchased as a condition of obtaining a loan, provided that the institution has no established plan or practice of retiring the stock. In the event that any such stock is retired other than on a *pro rata* basis, all other stock of the same class or series that was issued in the same year that the retired stock was issued will be disallowed from treatment as core surplus.

3. Newly developed or modified capital instruments or balance sheet entries or accounts that the FCA determines are the functional equivalent of a component of core surplus. The FCA may permit one or more System institutions to include all or a portion of such instrument, entry, or account as core surplus, permanently or on a temporary basis.

The reproposed rule also provides that, with respect to equities that are included in core surplus, if the FCA finds that a particular equity has characteristics or terms that diminish its contribution to an institution's ability to absorb losses, the FCA may require the deduction of all or a portion of such equity from core surplus.

The purpose of the conditions pertaining to retirement and distribution of equities held by borrowers is to assure that amounts treated as core surplus are not retired, canceled, or applied against a borrower's indebtedness on a defaulted loan or at the request of individual borrowers. These conditions would not prevent an institution from exercising its statutory right to make such retirements or cancellations. However, should such retirements or cancellations occur, the remaining allocated amounts and stock could not be counted in the core surplus ratio. They could, however, continue to be counted in the total surplus ratio and permanent capital of the institution. The conditions placed on the equities' inclusion in core surplus merely recognize that this practice negates the desired stability features of these types of equities. The provision would not apply to borrower equities canceled in connection with a restructured loan, if an association is required to cancel the equities pursuant to section 4.14B of the Act. If an association is statutorily *required* to cancel the equities, the remaining equities of the same class or series and issued in the same year as the canceled stock or equities will continue to be treated as core surplus.

The core surplus requirement would replace the current requirement in § 615.5330 that the BC and the agricultural credit bank (ACB) add at least 10 percent of net earnings after taxes to unallocated surplus until the unallocated surplus ratio reaches half of the minimum permanent capital requirement.

The reproposed rule adds a definition of ''perpetual stock or equity'' as stock or equity that does not have a maturity date, cannot be redeemed at the option of the holder, and has no other provisions that will require the future redemption of the issue.

The FCA continues to believe that institutions need a certain amount of capital that is not subject to regular distribution or retirement according to an established plan or practice. It is the FCA's position that such capital is necessary to protect institutions during periods of stress, which are part of the cyclical nature of the System institutions' business. In addition, System institutions are vulnerable to industry-wide or regional problems due to the high concentrations of certain commodities and loan volume in the agricultural sector. Consequently, in the reproposed rule the Agency excludes from the core surplus ratio any allocated equities that the recipient has included in his or her gross income and that the recipient can reasonably expect the institution to revolve in the near future.

The FCA is persuaded that the included types of equities are sufficiently permanent and stable and should qualify as core surplus when: No tax liability has yet been incurred by the recipient, there is no plan or practice of distributing or retiring them on an established or fixed basis, and there is no reasonable expectation by the recipient regarding when the equities will be distributed or retired. Several System institutions have issued such stock or nonqualified allocations. In those cases where the borrowers have been notified of such allocations, it is the FCA's understanding that the institutions have informed their borrowers that such equities may only be distributed or stock retired, if ever, at an unspecified date in the future and solely at the discretion of the institution's board of directors. None of these equities have been retired by the institutions, and, as one such institution stated, there is a much lower degree of ''sensitivity'' with members because they do not incur tax liability until the equity is revolved.

The FCA believes that permitting the inclusion of nonqualified equities meeting the reproposed rule's distribution conditions would eliminate most of the disincentives believed by several commenters to be embedded in the originally proposed rule for an institution to operate on a Subchapter T basis. The FCA believes that the revisions in the reproposed rule strike the appropriate balance between cooperative principles and safety and soundness objectives. The reproposed rule permits an institution to allocate its patronage-based income (using nonqualified allocations) and increase its core surplus ratio at the same time.

Although the reproposed rule does not limit the amount of nonqualified allocations that can be included in the core surplus, the FCA expects that institutions would retain a healthy portion of the core surplus in unallocated surplus. This completely uncommitted capital is especially important to the institution during periods of stress, when operating losses or provisions to the allowance for loan

losses may result. Accordingly, should the regulations be adopted, future FCA examinations would include an assessment of the composition of core surplus, which will be reflected in the evaluation of the institution's capital and operating performance.

The Class A stock issued by the Leasing Corporation and held by Farm Credit banks would qualify as core surplus. Class A stock represents the owner Farm Credit banks' initial investment in the Leasing Corporation, and retirement has occurred only with bank mergers. This stock has demonstrated a high degree of permanence and exhibits similar attributes to unallocated surplus. Accordingly, it would be eligible to satisfy the 3.5-percent core surplus and the 7-percent total surplus requirements. The Leasing Corporation's Class C stock, however, represents stock purchased by the owner banks based on lease activity in their respective trade/geographic territories. As a result, Class C stock fluctuates with lease volume (much the same as the level of borrower stock in associations fluctuates with the amount of outstanding loans), and the stock level is adjusted quarterly. Due to steadily increasing lease volume, Class C stock has increased over the past 5 years. Since Class C stock fluctuates with lease volume, however, it does not, as currently structured, have the stability and permanence attributes of surplus and consequently cannot be included in either surplus ratio.

The reproposed rule requires deduction of the association's net investment in its funding bank from core surplus for the purpose of computing the core surplus ratio for associations. This provision is unchanged from the proposed rule. The FCA required this deduction because of its strong belief that the retention of at least a minimum amount of capital that is not invested in (and therefore at risk and controlled by) the association's funding bank is critical to the financial health and autonomy of an association. When capital is retained at the bank, it is vulnerable to losses due to bank operations, as well as assistance programs for troubled associations in the district, and these are matters beyond the association's control. In a circumstance where most or all of the associations in a district become stressed, their investments in the bank could become most vulnerable at the time they are most needed.

The FCA considered proposals of commenters, including the proposals in the System's joint comment, to revise the calculation in the proposed rule to include a portion of the net investment in the bank. These proposals do not provide assurance that the association would be able to survive independently in the event of a bank's financial adversity or failure. Because one of the primary reasons for establishing the minimum core surplus requirement is to assure association access to stable capital at all times, the commenters' proposals do not fully achieve the purpose of the core surplus ratio standard. The FCA believes that the ''control issue'' cannot be adequately addressed.

Further, an association cannot have guaranteed access to its investment in the bank without the occurrence of a taxable event, the very situation some commenters seek to avoid by accumulating earnings at the bank.

The FCA does not favor the commenters' proposal to deduct the net investment in the bank partly from the core surplus and partly from the total surplus of an association. The proposal does not meet the FCA's goal to ensure that each institution holds a minimum level of capital that is neither at risk at another System institution nor subject to expected regular revolvement to borrowers.

As in the originally proposed rule, the reproposed rule will not permit inclusion of an association's net investment in its bank in the core surplus ratio calculation of either institution. The FCA has excluded the amount of the investment in the bank from both the bank's and the association's core surplus ratios because of the uncertainty of its accessibility by either institution. If an association were to fail, its investment in the bank would be offset against the bank's direct loan and thus eliminate that portion of capital on the bank's balance sheet. If the bank were to fail, the association's entire investment would become vulnerable to loss.

The FCA does not agree with comments that the originally proposed unallocated surplus ratio computation, including deduction of the net investment in the bank, is inconsistent with the provisions of the 1992 amendments to the Act. Those amendments provided that a bank and an association may, for the purpose of computing their permanent capital, agree on which institution could count as permanent capital the earnings of the bank that have been allocated to the association. The originally proposed rule did not make any changes to the permanent capital computation regarding the treatment of these allocated earnings to which the 1992 requirement relates, and neither would the reproposed rule. Measures such as the surplus ratios and the collateral ratio for banks are proposed to be added to better ensure the financial health of System institutions.

Furthermore, as described below, the total surplus ratio computation would include the association's investment in the bank in either the association's or the bank's allocated surplus, in conformity with the institution's allotment agreement. As importantly, the investment is counted in the net collateral ratio for banks, a critical ratio reflecting liquidity and access to financial markets by the System as a whole, to the same extent that it is included in bank permanent capital. However, the FCA believes that a measurement of capital not committed to the borrower and not available to absorb loss at another System institution is needed to adequately evaluate the ability of a direct lender association to survive independently of its funding bank.

The FCA notes that, despite some commenters' objections that the unallocated surplus ratio computation would inappropriately dissipate association capital by requiring that there be taxable earnings at the association level, nearly every taxable association in the System has had taxable earnings at the association level in the past 8 years. The FCA does not expect these associations to have to change their own capital adequacy plans significantly in order to achieve or maintain the minimum core surplus ratio standard (or, for that matter, the total surplus standard).

One of the frequently cited objections to the core surplus ratio calculation—that the requirement would result in higher interest rates or lower patronage distributions to borrowers—would be the result of any requirement that an institution accumulate and retain additional capital. Nevertheless, the goals of an institution to provide the lowest possible prices or the highest possible patronage distributions must be balanced against the obligation to maintain necessary reserves. The FCA has concluded, based on its experience as the regulator of System institutions as well as its knowledge of the problems that other types of financial institutions have faced, successfully and unsuccessfully, that a certain amount of the highest quality of uncommitted, accessible capital is critical to the long-term health and survival of institutions. The FCA believes that strong core surplus capital levels are necessary to ensure a viable System and minimize risk to its creditors and investors, including shareholders.

Under the reproposed rule, the core surplus ratio must be calculated by the institution as of each monthend as follows:

The ratio numerator:

Undistributed earnings/unallocated surplus (as defined in the FCA Call Report instructions);

Plus: Certain perpetual common or noncumulative preferred stock (held by entities other than System institutions) that was not purchased as a condition of obtaining a loan, provided that the institution has no established plan or practice of retiring the stock;

Plus: Nonqualified patronage allocations held by persons or entities other than other System institutions, provided that the institution has no established plan or practice of retiring such nonqualified patronage;

Less: For associations only, the net investment in its affiliated bank, which is—

Total investment in bank:

Less: Investment in association by bank;

Less: Agency/servicing investment in bank;

Less: Participations investment in bank;

Divided by—

The ratio denominator:

Risk-adjusted asset base per the permanent capital regulations, excluding the net impact of unrealized gains or losses on available-for-sale securities;

Less: For associations only, the net investment in its affiliated bank.

B. Total Surplus Ratio

The FCA originally proposed a requirement that each institution hold at least 7-percent total surplus, adjusted according to the permanent capital allotment agreement. Total surplus included the capital treated as unallocated surplus for the proposed unallocated surplus ratio, as well as certain allocated equities and stock.

No specific objections to the total surplus ratio were received. Accordingly, the total surplus ratio minimum of 7 percent of the risk-adjusted asset base and calculation of the ratio are reproposed without substantive change from the proposed rule. Equities that could be included in this ratio would be all of those equities that are included in core surplus for the core surplus ratio, as well as: (1) Allocated surplus and stock subject to a discretionary revolvement plan of 5 years or more; and (2) term stock with an original maturity of at least 5 years which is not retirable prior to its maturity (reduced by 20 percent in each of the last 5 years of the life of the instrument). Double-counting of capital would be eliminated according to applicable allotment agreements.

The calculation of the total surplus ratio, calculated by the institution as of each monthend with a minimum requirement of 7 percent, is as follows:

The ratio numerator:

Undistributed earnings/unallocated surplus per FCA Call Report;

Plus: Certain perpetual common or noncumulative perpetual preferred stock not purchased as a condition of obtaining a loan;

Plus: Certain nonqualified and qualified allocated equities;

Plus: Term stock with an original maturity of at least 5 years;

Less: For associations only, an amount equal to the amount of allocated bank equities counted as permanent capital by the bank;

Less: For banks only, an amount equal to the amount of bank equities counted as association capital.

Divided by—

The ratio denominator:

Risk-adjusted asset base per the permanent capital regulations, excluding the net impact of any unrealized gains or losses on available-for-sale securities;

Less: For associations only, allocated bank equities counted as permanent capital by the bank;

Less: For banks only, an amount equal to the amount of bank equities counted as association capital.

C. Collateral Ratio

The FCA originally proposed that all System banks should maintain a net collateral ratio of 104 percent of eligible assets (described in existing § 615.5050), less an amount equal to the amount of bank equities counted as association permanent capital, divided by total liabilities.

The FCA received numerous comments regarding the originally proposed 104-percent net collateral ratio requirement. All of the commenters on this issue took exception to the 104-percent level, asserting that the 103-percent level established by the System's Market Access Agreement (MAA) was sufficient. Commenters further asserted that the FCA had endorsed the MAA. They alleged that the higher regulatory requirement was inconsistent with the FCA's ''endorsement'' of MAA.

One commenter expressed concern that the 104-percent collateral ratio requirement was counterproductive to building capital at the association level. This commenter stated that the thrust of the FCA's proposed rule was to encourage associations to build higher levels of capital. However, the high bank collateral requirement would result in the banks accumulating more capital through higher direct loan rates, which would reduce the association's ability to be competitive and accumulate higher levels of capital.

The System's joint comment highlighted several perceived weaknesses in the wording of the originally proposed collateral requirement. Specifically, it said that the proposed rule incorrectly referred to a ''collateral position'' required by FCA regulations and the Act. The System pointed out that neither § 615.5050 nor the Act uses the term ''collateral position'' but rather compares certain assets defined as collateral with certain obligations requiring collateralization. The System added that the proposed regulation ''incorrectly'' used total liabilities as the denominator, rather than ''obligations requiring collateralization.'' The System recommended revising the proposed net collateral ratio definition to explicitly eliminate the application of FAS No. 115, in accordance with a statement in the proposed rule's supplementary information that the effect of FAS No. 115 was intended to be excluded from all of the proposed ratios. FAS No. 115 is a statement of generally accepted accounting principles (GAAP) requiring financial statements to include the net effect of unrealized gains and losses resulting from available-for-sale securities.

The FCA notes that its approval of the System banks' MAA did not constitute, and should not be interpreted as, a restriction on the FCA's authority to establish appropriate minimum capital or collateral standards. Moreover, any comparison of the rule's collateral ratio standard to the 103-percent collateral level in the MAA or the collateral calculation that is set forth for funding purposes in § 615.5050 is inappropriate because the standards are calculated differently. The MAA standards and funding requirement do not include a deduction for a bank's equities that are not counted as permanent capital by that bank according to its allotment agreement. The reproposed rule's collateral standard would require this deduction. Furthermore, the rule's denominator is total liabilities, not ''collateralized debt obligations'' as currently required by the MAA and § 615.5050.

The FCA reproposes a net collateral ratio requirement with substantially the same calculation as in the originally proposed rule. The FCA believes that the net collateral ratio in this rule would be a more precise measure of the

financial health of System banks than the collateral ratio in the MAA. A collateral ratio net of any bank assets counted as permanent capital by associations eliminates the double-leveraging of capital in System institutions. Using total liabilities as the denominator instead of ''collateralized obligations'' makes the ratio more meaningful as a safety and soundness measure and prevents a bank from leveraging its balance sheet by obtaining funds from non-System sources, which are not classified as ''collateralized obligations.'' The FCA strongly believes that the net collateral ratio is a critical measure of financial health and provides an early measure of a bank's ability to obtain funds from the market place. Severe safety and soundness concerns arise if sufficient collateral is not available for banks to offer investors who purchase System debt instruments. The net collateral ratio in this rule is intended to provide an early ''tripwire'' to help avoid such severe situations.

The FCA reproposes a minimum net collateral ratio standard of 103 percent, reduced from the 104-percent requirement in the originally proposed rule. In light of the increased capital requirements of the two surplus standards for both banks and associations that the FCA is reproposing, a collateral standard of 103 percent will be sufficient in most cases to ensure the maintenance of a minimum level of protection and implementation of supervisory measures should market forces cause a decline in the underlying value of collateral. This standard generally provides additional assurance that a bank will maintain sufficient collateral for continued access to capital markets, because the System banks' MAA does not limit access to the capital markets until a bank's collateral ratio, as defined in the MAA, drops below 102 percent.

The reproposed rule's net collateral requirement provides an earlier trigger for supervisory involvement than the MAA computation or the collateral requirement for funding purposes. It would provide a level of protection for operating and other forms of risk at the bank, and it is similar to the leverage ratios required by other regulators.

The FCA has determined that the exclusion of the effect of FAS No. 115 from the computation of the net collateral ratio could result in a differential treatment of eligible investments, according to whether they are designated as available for sale or held to maturity. Under § 615.5050, a bank's *entire* investment portfolio must be valued at the lower of cost or market. Accordingly, applying the exclusion of the effect of FAS No. 115 will not negate the effect of temporary fluctuations in the market value against a bank's entire investment portfolio, because unrealized holding gains and losses under FAS No. 115 apply only to the portion of a bank's investments classified as available for sale, not to investments classified as held to maturity. To ensure that the objective of this ratio is uniformly attained, the reproposed rule would require all eligible investments held by a bank to be valued based on their amortized costs for the purposes of calculating its net collateral ratio.

Under the reproposed rule, the net collateral ratio is calculated as follows:

The ratio numerator is a bank's net collateral, which equals:

A bank's total eligible collateral as defined by § 615.5050 (except that eligible investments as described in § 615.5140 are to be valued at their amortized cost),

Less: An amount equal to that portion of the allocated investments of affiliated associations that is not counted as permanent capital of the bank.

Divided by—

The ratio denominator, which equals:

The bank's total liabilities.

D. Compliance Issues

The originally proposed rule required institutions below applicable minimum surplus and collateral standards to develop and submit a capital plan acceptable to the FCA for achieving minimum standards. An association below the unallocated surplus standard on the effective date of the rule had the option of including a Risk-Sharing Agreement with its affiliated bank as part of its capital plan. An association falling below the minimum standard after the rule's effective date could include a Risk-Sharing Agreement only with FCA approval. Institutions meeting the goals of FCA-approved capital plans would be deemed to be in compliance with minimum surplus and collateral standards. In addition, the FCA sought comment on whether the Risk-Sharing Agreement should be a permanent option for associations.

Two issues pertaining to compliance were raised by commenters. The first issue concerned how much time institutions will have to come into compliance with the ratios. The originally proposed rule required an institution not meeting applicable surplus or collateral requirements to submit to the FCA a capital plan for achieving and maintaining the standards, with appropriate annual progress toward meeting the standards. In the supplementary information to the proposed rule, the FCA stated that it expected capital plans submitted by institutions below the minimum surplus or collateral requirements to include a reasonable timeframe for achieving the minimum surplus or collateral standards.

The St. Paul BC expressed significant concern about the ''subjective nature'' of the reasonable timeframe ''requirement'' for achieving the minimum capital standards. The BC stated that a timeframe set by the FCA could restrict the bank from adequately serving its membership, require the accelerated restructuring of the balance sheet (apparently by having to reduce assets), and require a significant amount of patronage earnings to be retained as unallocated surplus. The BC said that the impact would be to: (1) Reduce earnings and patronage refunds; (2) dissipate capital; (3) significantly weaken its competitive position; and (4) potentially jeopardize the advantages of operating on a Subchapter T basis for tax purposes. Over two dozen of the bank's stockholders sent letters with essentially the same comment as the bank. One respondent stated that the FCA would appear to have ''absolute discretion'' in determining what constitutes a reasonable timeframe. Two Farm Credit associations also expressed concern with the subjective nature of a ''reasonable timeframe.''

The System in its joint comment stated that the FCA has an obligation to document in the regulation, and provide opportunity for comment on, the standard of care that should uniformly be employed by FCA staff for determining the ''reasonable timeframe.'' Furthermore, the System said that, due to the very sensitive nature of the System's cooperative relationship with its stockholders, the determination of a reasonable timeframe should be specified or outlined in FCA policy or regulation rather than being potentially applied judgmentally by the FCA staff, which may result in an uneven application of the criteria.

The second compliance issue concerned whether an association could employ a Risk-Sharing Agreement as a permanent alternative to reaching a core surplus level of 3.5 percent. Some of the commenters stated that risk-sharing, if permitted on a permanent basis, would address the safety and soundness concerns raised by the FCA without an association's incurring a tax liability. Nevertheless, the proposed Risk-Sharing Agreement was criticized as too complicated and also as being a poor vehicle to recapture previously paid taxes. The proposed rule required risk-sharing to begin when losses exceeded

the current year's earnings. Commenters noted that this might prevent an association from recouping some of the taxes that might be recoverable from previous years and recommended that some mechanism be implemented to delay the risk-sharing trigger until all available taxes have been recouped.

The System's joint comment included a description of a ''contractual conversion mechanism'' that was, in its view, simpler than the proposed rule's Risk-Sharing Agreement and that contained activation provisions that would maximize tax benefits due to operating losses and help to mitigate an association's economic adversity. The System suggested that an association be permitted to include such a conversion provision in its capital plan until the end of 2006 without FCA approval.

In the reproposed rule, the FCA has made several significant changes to the compliance provisions from the originally proposed rule. First, the FCA believes that the use of a capital plan (which is referred to as a ''capital restoration plan'' in the reproposed rule to distinguish it from other capital plans) to achieve minimum surplus or collateral ratios should be an option only for those institutions that are below a minimum standard on the effective date of this rule. For institutions that fall below a minimum surplus or collateral standard subsequent to the effective date of this rule, the FCA would address the noncompliance in the same way it treats other instances of noncompliance with FCA regulations. The Agency would decide on a case-by-case basis what supervisory action, if any, to take with respect to the violation—from simply requiring the institution to submit a capital restoration plan to a more formal action. Any decision in this regard would depend on the level of an institution's capital and the severity of its problems. The FCA has proposed this change in order to have greater flexibility to impose requirements commensurate with the seriousness of the situation, or to take no formal action if the noncompliance appears minor, not due to mismanagement of the institution, and likely to be short-lived.

Second, the FCA has deleted from the reproposed rule the definition of ''Risk-Sharing Agreement'' in order to give associations more latitude in devising mechanisms to achieve initial compliance with the core surplus requirement. The FCA agrees with commenters that different types of contractual arrangements, including arrangements that enable an association to take advantage of tax provisions for distressed institutions, could be an acceptable part of an association's plan to restore capital.

Third, the FCA has added a requirement to report noncompliance with the surplus or collateral ratios to the FCA within 20 calendar days of the end of the month as of which the noncomplying ratio was computed.

Fourth, the FCA has placed a limit of 180 days from the effective date of the rule for an institution not in compliance on the effective date to submit, and the FCA to approve, a capital restoration plan. The FCA believes that placing a limit on the time during which an institution has to submit an acceptable plan adds certainty and finality to the initial approval process.

Finally, in response to commenters' suggestions, the FCA has added to the compliance provision in the reproposed rule a list of factors to be considered by the Agency in approving compliance plans. The factors include, as applicable:

1. The conditions or circumstances leading to the institution's falling below minimum levels (and whether or not they were caused by actions of the institution or were beyond the institution's control);
2. The exigency of those circumstances or potential problems;
3. The overall condition, management strength, and future prospects of the institution and, if applicable, affiliated System institutions;
4. The institution's capital, adverse asset (including nonaccrual and nonperforming loans), allowance for loss, and other ratios compared to the ratios of its peers or industry norms;
5. How far an institution's ratio is below the minimum;
6. The estimated rate at which the institution can reasonably be expected to generate additional earnings;
7. The effect of the business changes required to increase capital;
8. The institution's previous compliance practices, as appropriate;
9. The views of the institution's directors and senior management regarding the plan; and
10. Any other facts or circumstances that the FCA deems relevant.

Notwithstanding the concerns of commenters regarding the ''reasonable timeframe'' in which noncomplying institutions would be expected to achieve all minimum surplus and collateral standards, the FCA is not persuaded that the rule should specify a single timeframe in which institutions must meet the standards. The Agency continues to believe that not specifying a timeframe would allow maximum flexibility and latitude to determine the best course for building capital ratios to at least the minimum levels. In view of the wide range in both the amount of shortfall and the reasons for that shortfall among institutions not meeting the proposed requirements, the FCA concludes that no specific timeframe would be suitable in every case. The FCA anticipates that it would approve capital restoration plans that project appropriate annual progress toward compliance. The Agency recognizes that capital restoration plans must be realistic and that long-term plans may be appropriate in some circumstances.

E. Stock Retirement Provisions

The FCA originally proposed to permit institution boards of directors to delegate discretion in the retirement of borrower stock to management as long as, after retirement, an institution would meet all of its applicable surplus and collateral requirements and its permanent capital ratio would remain above 9 percent. The FCA received two comments on the proposal. The ABA was troubled by the possibility that System institutions would be able to continue to retire stock, albeit with the specific approval of the board of directors, if the institution's permanent capital were below 9 percent. The trade association's particular concern was apparently the potential for insider abuse. The ABA recommended that stock retirements be prohibited when permanent capital is below 9 percent and that the proposal be revisited by the FCA to prevent conflicts of interest with insiders. A System association criticized the FCA's proposal as eliminating any flexibility on the part of management with respect to stock retirements and as setting too high a standard that would result in inappropriate involvement by a regulator at a point where an institution still has a relatively strong permanent capital position. The association suggested that management be allowed to retire ''de minimis'' amounts of stock as long as the permanent capital remains above 8 percent.

The FCA reproposes the originally proposed stock retirement provisions without change. Accordingly, as long as after retirement an institution's core surplus and total surplus ratios (and, for banks, the collateral ratio) would meet or exceed applicable minimum standards, and the permanent capital position would remain above 9 percent, the retirement of borrower stock could be delegated by the institution's board of directors to its management.

The FCA notes that the ABA's proposal that no redemption of borrower stock be permitted if the association's capital falls below 9

percent is inconsistent with System institutions' statutory right to retire stock at the sole discretion of the board, as long as the institution meets its permanent capital standard. Although the FCA recognizes that there is a potential for abuse of discretion by institution board members in the retirement of their own equities, the FCA monitors retirements of stock owned by directors in the examination process and has never yet found this kind of abuse.

The System association's suggestion that institution management be allowed to retire ''de minimis'' amounts of stock under delegated authority until the institution's permanent capital falls to 8 percent was also not accepted because, as the FCA interprets this suggestion, a stock retirement in an amount equal to as much as 1 percent of permanent capital would be considered to be ''de minimis.'' Furthermore, the FCA does not believe that the restrictions the reproposed regulation would place on delegation of stock retirements would be onerous or would significantly affect the institution's ability to operate in a flexible manner.

F. Individual Institution Capital Ratios and Capital Directives

Subpart L, Establishment of Minimum Capital Ratios for an Individual Institution, and subpart M, Issuance of a Capital Directive, are reproposed in substantially the form in which they were originally proposed. The FCA does not agree with the suggestion of a commenter to eliminate the application of civil money penalties in cases where an individual institution capital ratio was not met but the otherwise applicable ratios were met, because the FCA's reason for setting a higher ratio in the first place would be its judgment that the institution would not be operating in a safe and sound manner if it were below the individually set ratio. The FCA also has not included a commenter's suggestion to establish an office of ombudsman. Should concerns arise regarding the fair application of individual institution ratios or capital directives to different institutions in the System, the FCA would address those concerns on a case-by-case basis.

G. Other Capital Issues

1. Nine commenters, including the System's joint comment, raised concerns with the current practice of risk-weighting unused loan commitments with remaining maturities in excess of 1 year. Because this issue requires further study, it will be considered by the FCA in the next phase of its review of capital regulations.

2. One commenter suggested that the surplus standards should not be applicable to Federal land bank associations (FLBAs) that do not have exposure to loan losses, as provided for in § 615.5210(e)(9). The reproposed rule would make no changes in the application of surplus requirements to all FLBAs, because the Agency believes that these requirements would be minimal and would pose no hardship on any FLBA. Furthermore, FLBAs with no exposure to loan losses have very minimal levels of risk-adjusted assets to capitalize. The FCA believes that it is appropriate for every institution to have at least some level of positive surplus funds based on the level of operations. For this reason, the FCA has concluded that it is appropriate to have the same requirement apply to all associations, including FLBAs. The FCA notes that funds that are earned at the bank and distributed to the FLBAs are not taxable, adding no tax burden to the FLBAs.

3. Other provisions of the proposed rule pertaining to the exclusion of the impact of unrealized gains and losses on available-for-sale securities, as well as technical and conforming changes, are reproposed in the same form in which they were proposed.

H. Limitations on Financing Non-Agricultural Credit Needs of Bona Fide Farmers, Ranchers, Aquatic Producers or Harvesters

Under reproposed § 613.3000, all bona fide farmers, ranchers, and aquatic producers or harvesters would be eligible for FCS financing of their agricultural or aquatic needs. The reproposal would place limitations on all other credit to farmers, however, using criteria that are more specific and appropriate than those in the existing regulation. The reproposed regulation would distinguish individual farmers who actively produce agricultural products or manage a farming operation from passive farm owners, who meet the definition of a *bona fide* farmer only because they own agricultural land. Retired farmers who have been engaged in agricultural production, including incapacitated farmers, who own agricultural land and assume some portion of their tenant's production risk, would also be considered active farmers. Under the reproposed rule, active farmers would be given limited access to FCS financing for their other credit needs, but access becomes more limited or completely precluded for passive farm owners and non-resident foreign nationals.

1. Non-Agricultural Business Needs of the Borrower

The reproposed regulation would allow FCS banks and associations to finance the non-agricultural business needs of citizens and permanent residents of the United States who are eligible under § 613.3000(a)(3)(i). This financing would be limited to an amount that does not exceed the market value of the borrower's agricultural assets. The reproposed regulation does not permit System lenders to offer non-agricultural business financing to non-resident foreign nationals or individuals who are eligible because they own agricultural land as a passive investment pursuant to § 613.3000(a)(3)(ii).

The reproposed regulation does not represent a substantial change from the existing regulation on this point. The reproposal continues to link a borrower's access to FCS financing to his or her involvement in agriculture. The existing regulation views a farmer's involvement in agriculture as a continuum, ranging from full-time, to part-time, to a person ''whose business is essentially other than farming.'' It states as a guiding principle that the purposes for which credit may be extended ought to become more restricted as a borrower's status becomes further away from being a full-time farmer. The reproposal distinguishes instead between a farmer who actively engages in agricultural production or farm management and one who simply owns farm land. Only the active farmer is permitted to borrow for non-agricultural business needs. Moreover, the reproposal contains a precise limit on the amount of such credit that may be extended. Although both the existing and reproposed regulations ensure that the System retains its focus on agricultural lending, the new approach relies on exact and objective standards that are more meaningful and easier to apply.

2. Housing and Domestic Needs

Reproposed § 613.3000(d)(1) would authorize citizens and permanent residents of the United States who are active farmers to obtain System financing for their housing and domestic needs without restriction other than their creditworthiness. Such borrowers have strong ties to agricultural or aquatic production and FCS financing for their housing and domestic needs should not alter their status as farmers, ranchers, and aquatic producers or harvesters.

Reproposed § 613.3000(d)(3) would allow individuals who own agricultural

land as a passive investment to obtain System financing for their housing and domestic needs in an amount that does not exceed the market value of their agricultural assets. Persons who are eligible solely because they own farm land are primarily engaged in vocations other than agriculture.

In addition, reproposed § 613.3000(d)(2) would allow non-resident foreign nationals who actively engage in agricultural or aquatic production in the United States to obtain System financing for housing and domestic needs that are reasonably related to their agricultural or aquatic operations located in the U.S.A.

More specifically, active farmers who are non-resident foreign nationals could obtain System financing only for a house that is located on or near their farm or ranch. Additionally, the FCA intends that the FCS extend credit to non-resident foreign nationals only for those housing and domestic needs that enable the borrower to conduct a farming operation in the United States. The FCA believes that non-resident foreign nationals who are active farmers should not be allowed unrestricted System financing for their housing and domestic needs because they lack a permanent presence in the United States.

Like the existing regulation, this proposal allows active farmers to obtain credit for their housing and domestic needs. It would expressly permit certain other farmers to borrow from the FCS for their housing and domestic needs but with the restrictions described above, which are intended to ensure that such credit is generally appropriate to their farming operations.

3. Definition of Agricultural Assets

Because the amount of financing to an eligible borrower for other credit needs is limited to the market value of the borrower's agricultural assets, this term was the subject of a number of comments. The FCA's originally proposed regulation did not define ''agricultural assets,'' although the preamble to proposed § 613.3000(a) stated that agricultural assets included ''real estate, a home that is located on a farm or ranch, equipment, chattel, and livestock.''

System commenters asked the FCA to define ''agricultural assets'' in the regulation. They proposed a more expansive definition of ''agricultural assets'' that, in their view, would reflect the diversity of agriculture. The FCC's comment suggested that ''agricultural assets'' include ''all tangible and intangible assets reasonably necessary to, derived from, used in, or available for use in the borrower's agricultural or aquatic operation, including the borrower's personal residence, regardless of its location.'' The comment recommended that tangible and intangible assets include all personal property and financial assets used in the borrower's operation and the proceeds that are derived from the sale of agricultural assets. Under the System's proposal, receivables, cash, investments purchased with proceeds from the sale of agricultural assets, trademarks, motor vehicles, aircraft, seagoing vessels, and other personal property would be agricultural assets. System commenters also believed that off-farm residences should qualify as agricultural assets because farmers and producers in the fishing, timber, and nursery industries often live off-site.

As requested by the commenters, the FCA has incorporated a definition of ''agricultural assets'' into the reproposed regulation. The definition in reproposed § 613.3000(a)(1), however, is more narrow than the FCC's recommendations. The FCA has excluded intangibles, such as goodwill and trademarks, from the definition of ''agricultural assets'' because the establishment of a definitive market value prior to sale is difficult to derive and, therefore, oftentimes unreliable. Personal property such as motor vehicles, aircraft, and seagoing vessels qualify as agricultural assets if the borrower uses them for agricultural or aquatic production. Similarly, cash, investments, and sale proceeds are not agricultural assets until they are reinvested in the borrower's farming, ranching, or aquatic operations. However, reproposed § 613.3000(a)(1) does classify working capital as an agricultural asset. Working capital includes accounts receivables from agricultural sales, inventory used in the borrower's agricultural or aquatic business, and cash proceeds that are reinvested in the farming, ranching, or aquatic enterprise.

Under the reproposed regulation, the principal residence of a farmer who is eligible under reproposed § 613.3000(a)(3)(i) would be considered an agricultural asset regardless of whether it is located on agricultural land. This approach treats all active farmers equitably irrespective of where they live or type of their agricultural endeavor. Because the value of agricultural assets will determine the amount of funds available for other credit needs, these assets must be valued appropriately. Documentary support for the value should be included in the loan file.

I. Financing for Legal Entities

The FCA proposed to allow any legal entity that is chartered in the United States to qualify as an eligible System borrower if it met the definition of a bona fide farmer, rancher, aquatic producer or harvester. Such legal entities would be able to obtain financing for any of their agricultural needs. The FCA proposed, however, to limit System financing of the non-agricultural credit needs of legal entities. Under the original proposal, legal entities would not have been eligible for financing for their other credit needs if they were publicly traded or less than 50 percent of the borrower's assets were used in agricultural or aquatic production. The FCA's original proposal would have allowed all other legal entities to receive financing for non-agricultural purposes in an amount that did not exceed the market value of their agricultural assets. The FCA reasoned that this approach would continue to authorize System banks and associations to finance the other credit needs of family farm corporations and other small- and medium-sized legal entities that are closely held by *bona fide* farmers, ranchers, and aquatic producers or harvesters. The restrictions in proposed § 613.3000(d)(3) were designed to ensure that previously ineligible agribusiness corporations and conglomerates could obtain FCS financing only for their agricultural or aquatic needs.

The FCA received 17 comments about its proposed limitations on the financing of legal entities. All System commenters supported the FCA's proposal to repeal the existing eligibility restrictions on legal entities because they believe that the organizational structure of the borrower should not determine eligibility. However, System commenters opposed various aspects of the proposed restrictions on their ability to finance the non-agricultural credit needs of certain legal entities.

In contrast, commercial banks, their trade associations, and FLAG opposed the FCA's proposal to revise the eligibility and scope of financing criteria for legal entities. These comments addressed whether certain legal entities should be eligible for agricultural credit and the extent to which they should be permitted to borrow from the System for their other credit needs. One commenter asserted that family farm corporations are the only legal entities that should qualify for System financing. Others believed a legal entity should be eligible for agricultural credit only if agriculture is its primary focus. Another commenter favored retaining the three-pronged

eligibility test in former § 613.3020(b). Two other commenters suggested that legal entities should be ineligible to borrow from Farm Credit banks and associations unless they are owned by farmers, ranchers, or aquatic producers or harvesters who actively engage in agricultural or aquatic production.

Both System and non-System commenters opposed the FCA's proposal to deny publicly traded corporations access to System funding for their non-agricultural credit needs. Some System commenters opposed excluding publicly traded corporations from such financing because they believe that current and potential System borrowers will, in the future, raise capital by selling their equities on public exchanges.

Other commenters opposed the FCA's approach toward publicly traded corporations because, in their view, it was not sufficiently restrictive. They expressed concern that a privately owned conglomerate would be able to obtain System financing for its non-agricultural activities by simply restructuring its subsidiaries so that 50 percent of their assets would be used in agricultural production.

After considering all the comments, the FCA has decided to: (1) Retain the eligibility criteria for legal entities in proposed § 613.3000(a)(4); and (2) revise proposed § 613.3000(d)(3), which addresses the authority of FCS banks and associations to finance the non-agricultural credit needs of legal entities. Under reproposed and redesignated § 613.3000(a)(5), a legal entity will qualify as a *bona fide* farmer if it meets the eligibility criteria in reproposed § 613.3000(a)(3)(i). Reproposed § 613.3000(a)(5) includes a technical correction that adds tribal authorities to the list of governmental units under whose laws legal entities can be organized. Reproposed § 613.3000(c) authorizes System banks and associations to extend credit to an eligible legal entity for any agricultural or aquatic purpose.

Reproposed § 613.3000(d)(4) would continue to restrict which legal entities could obtain financing for non-agricultural business needs and the amount of such credit. A legal entity could obtain non-agricultural financing only if more than 50 percent of its equity is owned by individuals who actively engage in agricultural or aquatic production to generate income *and* either more than 50 percent of its: (1) Assets are used in agricultural or aquatic production; or (2) income is derived from agricultural or aquatic activities. Moreover, the credit would be limited to an amount that does not exceed the market value of its agricultural assets at the time the loan is closed. Because the reproposed regulation would require the borrower to meet these requirements at the time the loan is closed, a System lender would not be able to finance the other credit needs of a legal entity unless its agricultural activities, after the extension of credit, would exceed its non-agricultural activities.

The FCA believes that the reproposed regulation will strike an appropriate balance among the concerns of all commenters. In response to System concerns, reproposed § 613.3000 would repeal all regulatory restrictions that previously prevented System banks and associations from providing agricultural credit to corporate farmers. The reproposed regulation permits all *bona fide* farmers, including all legal entities, to obtain System financing for any agricultural or aquatic purpose. However, both individual and corporate farmers must be eligible under § 613.3000(a)(3)(i) before they can borrow from the FCS for their non-agricultural business needs, and then only in an amount that does not exceed the market value of their agricultural assets. This ensures that only farmers who actively engage in agricultural or aquatic production could obtain System financing for their non-agricultural business needs.

The reproposed regulation effectively prevents publicly traded corporations from obtaining System financing for their non-agricultural needs unless more than 50 percent of the equity is held by active farmers, ranchers, and aquatic producers or harvesters are allowed to borrow from the FCS for such purposes. Additionally, these changes would keep lending to legal entities agriculturally focused because: (1) A majority of the income or assets of such borrowers must be related to agricultural or aquatic production; and (2) the amount of non-agricultural credit may never exceed the market value of any borrower's agricultural assets.

The FCA disagrees with commenters who favor enabling the System to finance the other credit needs of all legal entities engaged in agriculture. Because the primary mission of the FCS is to finance agriculture and aquaculture, FCA regulations have consistently imposed restrictions of some type on non-agricultural loan purposes to System borrowers. The FCA believes the availability of non-agricultural credit for both individuals and legal entities should be proportionally related to the borrower's involvement in agricultural or aquatic production. Farmer ownership, combined with agricultural assets or agricultural income, are the best measures of whether a legal entity focuses on agriculture. Accordingly, the reproposed regulation would ensure that such lending is proportional, while giving the FCS ample flexibility to respond to the evolving needs of all agricultural producers in a rapidly changing economic environment.

The FCA also disagrees with commenters who suggest that the regulation should favor individual borrowers over legal entities. The FCA observes that the Act does not accord individuals preference over legal entities. For this reason, FCA regulations should not influence the decision whether to conduct agricultural or aquatic operations in an individual capacity or as a legal entity.

J. Nationality of the Borrower

The FCA received ten comments about proposed § 613.3000(a)(3)(ii), which governs the eligibility of non-resident foreign nationals who have been admitted into the United States pursuant to a provision in 8 U.S.C. 1101(a)(15) that authorizes such individuals to own property, or to operate or manage a business in this country. System commenters generally supported the FCA's original proposal while other commenters opposed it. System commenters opined that the proposed regulation was consistent with the Act, which imposes no eligibility restriction on foreign nationals. Some System commenters suggested that the FCA extend eligibility to foreign national legal entities that have not established a domestic subsidiary because no Federal law precludes System banks or associations from lending to such parties.

In contrast, a commercial bank opined that the FCA's proposal was ''unfair and unwarranted'' because American citizens would compete with foreign nationals for funding from the FCS. Three commenters asserted that loans to non-resident foreign nationals are inherently unsafe and unsound. One commenter believes that System loans to non-resident foreign nationals slow the national economy and worsen the trade deficit between the United States and other countries. Two other commenters claimed that FCS financing to non-resident foreign nationals forces small family farms out of business. A trade association questioned whether the Act authorizes the FCS to finance foreign nationals.

The FCA disagrees with the argument that the FCS lacks the legal authority to extend credit to farmers, ranchers, and aquatic producers and harvesters who

are not American citizens. Section 1.1(a) of the Act states that the mission of the FCS is to improve the ''income and well-being of American farmers and ranchers.'' Neither that provision or any other provision of the Act explicitly or implicitly restricts eligibility for System loans to American citizens. The general rulemaking provisions of section 5.17(a)(9) of the Act allow the FCA to enact regulations that govern the eligibility of foreign nationals to borrow from FCS institutions.

Since 1976, FCA regulations have allowed certain foreign nationals who have been lawfully admitted into the United States for permanent residence and conduct agricultural or aquatic operations within its territory to borrow from System banks and associations that operate under titles I or II of the Act. Legal entities that are owned or controlled by eligible foreign nationals also qualify for System financing under existing FCA regulations.

Foreign nationals and foreign national legal entities that lawfully engage in agricultural or aquatic production in the United States invest their capital, labor, time, and effort in the American agricultural economy. In this context, these persons contribute primarily to the economy of the United States, not their country of origin. Contrary to the comments of commercial bankers, the United States benefits from the endeavors of these farmers, just as it does from any other farmer who helps supply abundant and affordable food to the American consumer.

The FCA also rejects arguments that loans to foreign nationals are inherently unsafe and unsound. Although loans to non-resident foreign nationals may expose System banks and associations to different risks, the FCA notes that the FCS, like all lenders, should have the capability to identify and manage the risks associated with lending to non-resident foreign nationals.

The reproposed regulation, however, further restricts the access of non-resident foreign nationals to the System for their other credit needs. The original proposal would have authorized non-resident foreign nationals to obtain System financing for their housing, domestic, and non-agricultural business needs in an amount that does not exceed the market value of their agricultural assets in the United States. In contrast, reproposed § 613.3000(d)(2) prohibits such borrowers from obtaining System financing in any amount for non-agricultural business needs. The FCA believes that the additional restriction on loans to non-resident foreign nationals is justified because their legal status limits their activities within the United States. As a general rule, the visas of non-resident foreign nationals do not allow them wide latitude to change their business activities within the United States. Accordingly, the reproposed regulation ensures that FCS lending to foreign nationals is limited to agricultural purposes and housing and domestic needs that are reasonably related to the borrower's farming operation in the United States.

The FCA does not agree with the commenters' recommendation that the regulation allow System lenders to finance foreign national legal entities that have not established a domestic subsidiary. Reproposed § 613.3000(b) treats all United States corporations exactly alike regardless of the nationality of their owners. This approach simplifies the regulation and avoids any safety and soundness issues that could arise from the absence of a domestic charter by the borrower. Because foreign corporations that produce agricultural products in the United States are able to establish a subsidiary under domestic laws, any such creditworthy enterprise that desires financing from an FCS lender will be eligible to obtain it.

One System association suggested that Mexican or Canadian farmers or ranchers who obtain farm-related services in the United States should be eligible for FCS financing. More specifically, the commenter recommended that the FCA authorize System banks and associations to finance Mexican ranchers who periodically bring their cattle into Texas to use local feedlots. The commenter believes that such an approach would be consistent with the spirit of the North American Free Trade Agreement (NAFTA).

The FCA does not accept this suggestion. Doing so would require the FCA to expand the definition of a *bona fide* farmer or rancher to individuals who neither conduct an agricultural operation inside the United States nor own agricultural land in the United States. Such parties farm or ranch outside of the United States, where the FCS has no authority to lend under titles I and II of the Act.

K. Legal Entities Eligible To Borrow From a BC or ACB

Under the FCA's original proposal, legal entities that are eligible to borrow from a BC or ACB would not have qualified for financing from an FCB or FCS association. Although the FCA acknowledged that some cooperatives have outstanding loans with FCBs and associations, the Agency expressed concern that the revised eligibility standard for legal entities might significantly expand competition within the FCS. Accordingly, the FCA invited comment on the appropriateness of a regulatory prohibition on FCB and association loans to cooperatives and asked commenters to offer alternative solutions.

The FCA received 84 letters of comment on its proposal to deny eligible title III borrowers access to financing at FCBs and direct lender associations. Although the St. Paul BC, CoBank, and a pair of jointly managed associations favored this proposal, six FCBs, 49 associations, the Tenth District PCAs, 16 agricultural cooperatives and one individual opposed it.

Most FCBs and direct lender associations contended that titles I and II of the Act permit them to lend to agricultural cooperatives and related entities that are also eligible BC or ACB borrowers. Many commenters claimed that a regulatory prohibition on FCB and association loans to cooperatives and their related entities is contrary to the language and intent of the Act. Many commenters asserted that this proposal was contrary to the FCA's Regulatory Philosophy Statement, because a ban on FCB and association loans to eligible title III borrowers is not necessary to implement or interpret the Act or promote safety and soundness. Some FCS associations claimed that the FCA's original proposed regulation lacked balance because it would allow a BC or ACB to serve FCB and association customers.

As requested by the FCA, several commenters offered alternatives that address the Agency's concerns about intra-System competition. Many commenters suggested that the FCA delete this prohibition from the regulation and initiate a negotiated rulemaking, or impanel an Advisory Committee pursuant to section 5.12 of the Act, to address all intra-System competition issues. Several associations suggested that the regulation require FCBs and their associations to obtain consent from a title III lender before they extend credit to a cooperative or related entity.[1] A jointly managed FLCA and PCA advised the FCA to allow an FCB or direct lender association to make loans below a specified dollar amount to cooperatives without the consent of a title III lender. If the loan exceeded this

[1] Former regulations in subpart B of part 616 controlled intra-System competition by allowing title I and II lenders to lend to small cooperatives with the concurrence of the district BC. 12 CFR 616.6040 was originally adopted by the FCA in 1979. *See* 44 FR 69633 (Dec. 4, 1979). It was repealed in 1990. *See* 55 FR 24888 (June 19, 1990).

threshold, the FCB or direct lender would be required to either: (1) Obtain consent from a title III lender; or (2) sell a participation interest in the loan to the St. Paul BC or CoBank. An FCB and one of its affiliated associations suggested that the regulation authorize FCBs and associations to lend only to those cooperatives that engage in or finance agricultural production.

The FCA has decided to withdraw the proposal to prohibit lending by FCBs and associations to borrowers also eligible under title III. The removal of this prohibition from the regulation acknowledges the status quo within the FCS. Currently, titles I and II lenders finance certain cooperatives and their related entities under their statutory powers. The FCA finds that permitting this continued overlap is preferable to the alternative approaches suggested by some commenters. The consent requirement could unacceptably burden the loan approval process for both System lenders and their borrowers. The FCA has no basis for setting a specific dollar limit for loans to cooperatives that would be responsive to smaller cooperatives' needs.

The FCA is aware that intra-System competition causes deep concern within the FCS and can have significant implications for the FCS as a whole. As noted earlier, many commenters have suggested that the FCA address intra-System competition issues, using a participatory approach, such as a negotiated rulemaking or an Advisory Committee. The FCA believes this recommendation merits further consideration. It will continue to monitor competition among System institutions and consider methods to address these issues. The FCA continues to encourage System institutions to resolve specific issues regarding intra-System competition by mutual agreement.

L. Other Issues Raised by Commenters

1. Definition of Bona Fide Farmer, Rancher, and Aquatic Producer or Harvester

Proposed § 613.3000(a)(2) would define a *bona fide* farmer, rancher, or aquatic producer or harvester as an individual or legal entity that either: (1) Produces agricultural products, or produces or harvests aquatic products to generate income; or (2) owns agricultural land. The preamble to the proposed regulation noted that this definition does not represent a significant departure from the existing regulation.

One FCB and several of its affiliated associations sought modification to this definition. First, these commenters recommended that the FCA change the term ''produces agricultural products'' to ''engages in the production of agricultural products,'' to clarify that eligibility is not determined by farmer's actual crop yield. These commenters expressed concern that proposed § 613.3000(a)(2) could result in a *bona fide* farmer becoming ineligible for an operating loan due to a crop failure in a previous year. Although the FCA has not incorporated the commenters' recommendation into the reproposed regulation, the Agency reaffirms its position that crop failures do not affect borrower eligibility.

The same FCB and an affiliated association requested that the FCA revise proposed § 613.3000(a)(2)(i) to encompass parties who provide for the husbandry of wild and domesticated animals. The FCA has always regarded husbandry of farm and ranch animals as an agricultural activity and believes that no additional regulatory changes are needed.

The FCB and many of its affiliated associations also asked the FCA to clarify whether the term ''eligible borrower'' in proposed §§ 613.3000(b) and 613.3010 refers to parties who already have outstanding System loans. The FCA responds that eligibility is not determined by whether the applicant is a current FCS borrower. Instead, ''eligible borrower'' refers to *bona fide* farmers, ranchers, and aquatic producers or harvesters who qualify for System financing under §§ 613.3000(b) and 613.3010.

2. GSE Status

Many commercial banks and credit unions questioned whether System financing for the other credit needs of agricultural and aquatic producers is compatible with GSE status because they believe GSE status gives the FCS unfair competitive advantages over commercial banks, credit unions, and other lenders. Some commenters asserted that the FCS should be allowed to compete with other lenders for non-agricultural loans to farmers only when such System lending will fulfill a market need that has been neglected by non-GSE lenders.

The FCA disagrees and observes that the Act expressly authorizes System lenders to finance a farmer's other credit needs. Section 1.1(c) of the Act reflects Congress' expectation that the FCS will be a competitive source of loans to agricultural and aquatic producers. It is precisely this competition that achieves the express objectives of Congress of increasing the availability and reducing the cost of credit to agriculture, aquaculture, and other rural needs that are specified by the Act. These comments overlook the primary purpose of the FCS, which is to provide reliable credit to agriculture at all times, including those periods when commercial lenders find it unprofitable or too risky to lend to agriculture. To continue to perform this function as the methods and modalities of agriculture change, the FCS must be free of unnecessary regulatory restrictions that impede its flexibility to meet the credit needs of agricultural producers.

3. Need for Outstanding Agricultural Loans

Two commercial bank trade associations objected to permitting System lenders to finance a farmer's other credit needs unless the borrower has an outstanding agricultural loan from the FCS.

The FCA believes that allowable financing for other credit needs should be related to the borrower's involvement in agriculture, rather than whether there is an agricultural loan outstanding to the borrower. Therefore, the FCA has responded to the commenters' concern by limiting FCS financing for a non-agricultural business need to active farmers eligible under § 613.3000(a)(3)(i). As in the proposed regulation, the amount of such credit would be limited to the market value of the borrower's agricultural assets. The reproposed regulation would not allow the FCS to extend non-agricultural business credit to passive owners of agricultural land.

The Act does not require that a borrower have an outstanding agricultural loan from a System lender in order to obtain financing for another purpose. Rather, it grants the FCA discretion to determine the limitations on non-agricultural lending to farmers and ranchers. The reproposed regulation would preserve the System's agricultural focus by limiting the amount of credit available for non-agricultural business purposes and would make it available only to active farmers. This approach ensures that non-agricultural business lending is proportional to each borrower's commitment to agriculture.

4. Partnership With Commercial Lenders

A State agency suggested that the regulation require System lenders to participate with commercial banks in non-agricultural business loans and use commercial bank underwriting standards for such loans. The FCA does not agree that this should be a requirement.

5. Asset Limitation for Non-Agricultural Lending

Two commercial bank commenters opposed the FCA's proposal to link the amount of non-agricultural credit to the market value of the borrower's agricultural assets. One commenter claimed that this proposal would establish a credit union bond for the FCS. This comment seems to indicate that any borrower who meets the regulatory definition of a ''*bona fide* farmer'' can obtain System financing for any credit need. The FCA disputes this allegation because the amount of a farmer's agricultural assets does not establish eligibility for a System loan, but rather limits the borrower's access to the FCS for non-agricultural business loans.

These commenters urged the FCA to use agricultural income, not agricultural assets, as the standard for limiting a farmer's access to the FCS for non-agricultural business credit because they believe that income is a better barometer of a borrower's relationship to agriculture. The commenters noted that an income test would more effectively ensure that System lending for non-agricultural purposes is not concentrated on older and wealthier part-time farmers, who may have substantial agricultural assets, but derive a small amount of income from these assets.

After considering this suggestion, the FCA continues to believe that agricultural assets, not agricultural income, provide a more useful and readily available measure of a borrower's involvement in agriculture. Agricultural income is too volatile to be an accurate measure of a borrower's overall commitment to agriculture because income tends to fluctuate from 1 year to the next. Further, agricultural income as a sole measure may not provide the FCS with sufficient flexibility to provide financing that enables farmers to remain on the farm, as Congress intended. In contrast, ownership of agricultural assets tends to increase gradually over time because a significant capital investment is needed to acquire agricultural land, equipment, and chattel. Assets generally collateralize debt and provide the financial means to borrow during periods of low income.

6. Loans to Certain Classes of Borrowers

Several commercial bank commenters favored retaining eligibility restrictions on part-time farmers and other types of farmers who they believe have tenuous ties to agriculture. For example, some comments stated that farmers with minimal agricultural production should be precluded from obtaining System financing for non-agricultural purposes. These commenters generally believed that Congress did not intend for the FCS to extend credit to passive owners of agricultural land, part-time farmers, or farmers with minimal production.

The Act does not require a minimum level of involvement in agriculture for a farmer to qualify for FCS financing. Section 1.1(b) of the Act specifically states that the objective is to provide ''[a] permanent system of credit for agriculture which will be responsive to the credit needs of all types of agricultural producers having a basis for credit.'' The FCA's proposal to update its eligibility regulations so they respond to the changes in agriculture is fully supported by the Act and its legislative history.

The reproposed regulation would implement sections 1.1(b), 1.9(1), 1.11(a), and 2.4(a) of the Act by enabling the FCS institutions to be responsive to the credit needs of all types of agricultural producers while diversifying repayment sources of its agricultural loan portfolios. The reproposal would ensure that the FCS can continue to fulfill its statutory mission to meet the credit needs of agriculture, which is undergoing significant restructuring and consolidation. Diversification of lending within the agricultural sector also promotes safety and soundness by reducing risks and increasing earnings and capital.

The FCA recognizes the increasingly important role that off-farm income plays in allowing farmers to stay on their farms. For this reason, reproposed § 613.3000 would grant Farm Credit banks and associations additional flexibility to finance part-time farmers than is allowed by existing regulations. Because the reproposed regulation limits the funds available for the borrower's non-agricultural business needs, FCS lending to such borrowers is kept well within the boundaries of the Act.

Other commercial banking interests expressed concerns about FCS loans to borrowers who plan to convert land to a non-agricultural use. They favor retaining a provision in existing § 613.3005(a), which states that ''credit shall not be extended where investment in agricultural assets for speculative appreciation is a primary factor.'' The FCA shares the commenters' concerns about loans to a party who purchases agricultural land with the intent to eventually convert it to a higher-valued, non-agricultural use. The reproposed regulation should effectively control this activity because it would prohibit a passive investor in agricultural land from obtaining System loans for a non-agricultural business purpose.

After considering the comments of all interested parties, the FCA has revised § 613.3000, and reproposes it for further comment. The FCA's approach is responsive to the credit needs of agriculture in today's environment, and it eliminates unnecessary paperwork requirements and reduces other regulatory burdens on System institutions. It balances the needs of System institutions and their borrowers with the concerns of commercial banks and credit unions. The reproposed regulation clearly recognizes that the primary mission of the FCS is to finance agricultural credit needs, while allowing limited financing of other credit needs, of farmers, ranchers, and aquatic producers or harvesters as specified by the Act.

M. Processing or Marketing Regulation

The FCA originally proposed to redesignate, restructure, and revise the regulation that enables FCBs, ACBs, and direct lender associations to finance the processing or marketing activities of *bona fide* farmers, ranchers, and aquatic producers or harvesters under titles I and II of the Act, simplifying and clarifying existing § 613.3045 and eliminating unnecessary regulatory burdens.

As originally proposed by the FCA, § 613.3010(a)(1) would have relaxed a regulatory requirement that *bona fide* farmers, ranchers, and aquatic producers or harvesters own 100 percent of an eligible processing or marketing operation. Instead, the FCA's original proposal would have required farmers, ranchers, and aquatic producers or harvesters to own a ''controlling interest'' in a processing or marketing operation, and the Agency sought input from interested parties about how this term should be defined.

Comments on proposed § 613.3010 were received from the FCC, three Farm Credit banks, 17 Farm Credit associations, seven Farm Credit borrowers, and the CBANC, IBAA, and MPB. Seven System borrowers and the MPB offered comments in general support of the amendments. One borrower stated that removing existing restrictions would strengthen the System's ability to finance emerging needs, and another borrower stated that the amendments would allow the financing of more value-added agricultural products. CoBank expressed concern that the proposed regulation would expand the authorities of FCBs and FCS associations to finance

processing or marketing enterprises and thereby increase intra-System competition. The CBANC opposed proposed § 613.3010 because it would broaden the authority of System banks and associations to finance processing or marketing operations.

The commenters identified three specific areas of concern related to proposed § 613.3010. First, System commenters and the IBAA responded to the FCA's request for guidance about how the term ''controlling interest'' should be defined in § 613.3010(a)(1). Second, System commenters questioned whether the Act requires borrowers to ''consistently'' supply throughput. Finally, the IBAA objected to the repeal of the documentation requirements of § 613.3045(e) raising a question about whether the paperwork obligations of § 613.3045(e) are required by law.

1. Farmer Control

The FCA requested guidance about how the regulation should define ''controlling interest'' in a separate processing or marketing unit that is eligible to borrow from an FCB, ACB, or direct lender association. Several FCS respondents urged the FCA to adopt the FCC's suggested definition of ''controlling interest,'' which is patterned after section 2(a)(2) of the Bank Holding Company Act, (BHCA), 12 U.S.C. 1841(a)(2), and section 10 of the Homeowners' Loan Act (HOLA), 12 U.S.C. 1467a. Although the St. Paul BC and CoBank did not oppose the FCC's recommendation, they expressed concern about intra-System competition for processing or marketing loans. These commenters cited passages in the legislative history to sections 1.11(a) and 2.4(a) of the Act to suggest that Congress may not have intended to expand eligibility beyond *bona fide* farmers, ranchers, and aquatic producers or harvesters to a new class of ''agribusiness'' borrower. The IBAA claimed that the Act requires *bona fide* farmers, ranchers, and aquatic producers or harvesters to own 100 percent of the processing or marketing unit, in order for the enterprise to be ''directly related'' to the borrowers' farming operations. Several respondents also asked the FCA to clarify whether § 613.3010(a)(1) requires a processing or marketing operator to have an outstanding FCS agricultural or aquatic loan.

Rather than define ''controlling interest,'' § 613.3010(a)(1) would require *bona fide* farmers, ranchers, and aquatic producers or harvesters to own more than 50 percent of the voting stock or equity of an eligible processing or marketing operation. This approach balances the needs of titles I and II lenders for greater flexibility to finance processing or marketing operations with the limitations in sections 1.11(a) and 2.4(a) of the Act. Sections 1.11(a) and 2.4(a) of the Act allow titles I and II lenders to lend only to processing or marketing operations that are ''directly related'' to the borrowers' agricultural or aquatic activities. According to several passages in the legislative history, Congress intended that titles I and II lenders would finance only the processing or marketing operations of farmers, ranchers, and aquatic producers or harvesters who are already eligible to borrow from these institutions for their agricultural or aquatic activities.[2] Another passage in the legislative history indicates that current sections 1.11(a) and 2.4(a) of the Act do not authorize FCBs and their affiliated associations to ''finance a new class of borrowers,'' [3] while a colloquy between two Senators suggests that the intent was to prohibit ''agribusiness marketers and processors'' from borrowing from titles I and II institutions.[4]

The FCA disagrees with the view that the Act requires agricultural or aquatic producers to own all of the equity of a separate processing and marketing operation. Nothing in the plain language of sections 1.11(a) and 2.4(a) of the Act or their legislative history supports this position. In fact, a passage in the legislative history indicates that Congress expressly contemplated joint processing or marketing ventures between agricultural or aquatic producers and investors as long as ineligible parties do not ''exercise substantial control of the facility or activity financed by the loan.'' [5] The 100-percent ownership requirement in existing § 613.3045(b)(2)(iii) is a regulatory policy, which the FCA has discretion to change.

The FCA believes that the 100-percent ownership requirement in existing § 613.3045(b)(2)(iii) is overly restrictive. For example, it denies otherwise eligible farmer-owned processing or marketing operations alternative credit options merely because employees or investors own a minority interest in the business. Agriculture and aquaculture would benefit from the relaxation of this ownership requirement because the reproposed regulation is designed to increase the availability of affordable and dependable credit for businesses that add value to farm products and commodities.

The FCA declines to adopt the System's suggestion that it define ''controlling interest'' units by importing provisions of the BHCA and the HOLA into § 613.3010(a)(1). Under the System's proposal, eligible borrowers would be deemed to hold a controlling interest in a processing or marketing unit if they: (1) Directly or indirectly or acting through one or more other persons own, control, or have power to vote 25 percent or more of the voting shares of the legal entity; (2) control in any manner the election of a majority of the directors, trustees, general partners, or managers of the legal entity; or (3) they own, control, or have power to vote at least 5 percent or more of the voting shares of the legal entity and directly or indirectly exercise a controlling influence over the management or policies of the legal entity. System commenters have not explained why the ''control'' standards in the BHCA and the HOLA are suitable for processing and marketing operations that would qualify for financing under sections 1.11(a) and 2.4(a) of the Act.

The FCA believes that the definition of ''control'' in the BHCA and the HOLA are inappropriate for § 613.3010, because it would enable System banks and associations to finance processing or marketing operations that are substantially controlled by parties who are not *bona fide* farmers, ranchers, and aquatic producers or harvesters.

In response to the inquiry from an FCB and some of its affiliated associations, the FCA confirms that this regulation would not require an applicant for a processing or marketing loan to have an outstanding agricultural or aquatic loan with a System bank or association.

2. Throughput Requirements

Fifteen System commenters objected to the proposed requirement for borrowers to ''consistently'' produce some of the throughput used in the processing or marketing operation. The FCC and most System banks and associations stated that neither the current regulation's use of the word ''sustained,'' nor the proposed regulation's use of the term ''consistently,'' are justified by the plain language of the Act. These commenters claim that sections 1.11(a)(1) and 2.4(a)(1) of the Act only require borrowers to ''supply some portion'' of the total throughput. Two commenters suggested the FCA amend § 613.3010(a)(2) so it would allow FCBs and associations to finance borrowers

[2] S.R. No. 96–837, 96th Cong., 2d. Sess. 47 (June 26, 1980).

[3] *Id.*

[4] Colloquy between Senators Stewart and Zorinsky, 126 Cong. Rec. 16560 (Dec. 13, 1980).

[5] *Id.*

who are ''capable of producing some portion of the throughput.'' Several commenters suggested that the FCA remove this requirement because it implied that the borrower would cease being eligible for financing when market conditions dictated that they process crops through another processor/marketer. All commenters, except the BC and ACB, would prefer to have the regulations restate the statutory language.

The FCA disagrees with the commenters. Although the words ''consistently'' or ''sustained basis'' do not appear in the text of sections 1.11(a) and 2.4(a) of the Act, such a term is needed in the regulation in order to implement the statutory requirement that eligible processing or marketing operations be ''directly related'' to the borrowers' agricultural or aquatic production activities. The legislative history explains that the Act requires ''a demonstrated relationship between the total processing and marketing activities and the applicant's own production.'' [6]

In order to provide FCBs, ACBs, and direct lender associations with greater flexibility to finance processing or marketing operations under the scope of sections 1.11(a) and 2.4(a) of the Act, reproposed § 613.3010(a)(2) would require the borrower or its owners to ''regularly'' supply throughput. The term ''consistently'' implies that there can be no variation in the level or timing of the borrower's throughput contribution, whereas the term ''regularly'' provides the borrower with greater flexibility to address unexpected problems in supplying throughput.

The FCA does not accept the suggestion of several System commenters that the regulation confer eligibility on processing or marketing borrowers who are ''capable'' of producing throughput because the mere capacity to contribute throughput, without more, does not satisfy the Act's requirement that borrowers ''supply'' throughput.

3. Regulatory Burdens

The IBAA opposes the repeal of the documentation requirements in existing § 613.3045(e), asserting that this provision is necessary to implement statutory eligibility requirements. The FCA disagrees. Compliance with eligibility requirements is adequately assured through the lenders' internal policies and the examination and enforcement powers of the FCA. Existing § 613.3045(e) dictates detailed management and operational procedures to System institutions. Such ''command and control'' requirements are incompatible with the FCA's Regulatory Philosophy Statement and the President's initiative to reduce regulatory burdens under the National Performance Review. Accordingly, the FCA continues to propose the repeal of § 613.3045(e).

No comments were received on the provisions in paragraph (b) addressing the portfolio limitations and, therefore, the FCA has not revised this provision in its reproposal.

N. Farm-Related Business Regulation

The FCA originally proposed to redesignate and revise the regulation that authorizes FCBs, ACBs, and direct lender associations to make loans to farm-related businesses. Existing §§ 613.3050 and 619.9120 would have been replaced with a new regulation, § 613.3020, which is closely aligned with the plain language of sections 1.9(2), 1.11(c)(1), and 2.4(a)(3) of the Act. This change would have repealed existing regulatory requirements that are not required by the Act. The FCA proposed these revisions because existing §§ 613.3050 and 619.9120 are unnecessarily restrictive and appear to frustrate the ability of System banks and associations to finance statutorily eligible and creditworthy farm-related businesses, needlessly denying many farm-related businesses a competitive credit option. The preamble to the FCA's original proposal noted that farm-related business loans comprise less than 1 percent of all System loans, and many FCS banks and associations have no farm-related business loans in their portfolios.

The FCA received 58 comments about proposed § 613.3020. Of this total, 26 comments were received from System banks, associations, and the FCC. The FCA also received comments from three commercial banks and four banking trade associations, four credit unions and one of their trade associations, three State government agencies, 17 individuals, and FLAG.

Most of the comment letters from commercial banks, credit unions, and their trade association pertained to competition between private sector lenders and the FCS. FLAG opposed the proposed regulation because it would create opportunities for outside investors, who do not contribute to the prosperity of local farm communities, to obtain FCS funding for farm-related businesses. The FCA has already responded to these concerns in earlier sections of this preamble.

The individual commenters and three State government agencies supported proposed § 613.3020 because it would bolster the agricultural economy by enabling FCS banks and associations to provide affordable credit to local farm-related businesses that serve farmers and ranchers. These commenters stated that farm-related businesses provide essential services to production agriculture and rural America. One State Government agency asserted that the FCS should only finance businesses (other than farming, ranching, and aquatic operations) that add value to agricultural products.

A number of commenters requested clarifications or modifications to this regulation.

1. Types of Services

Under § 613.3020(a) of the original proposal, an individual or legal entity who furnishes services to farmers and ranchers that are directly related to their agricultural operations would be eligible to borrow from System lenders. Two commenters claimed that the language of proposed § 613.3020(a) is too broad and ambiguous because virtually any business in an agriculture community, including a gas station or accounting firm, could argue that it is an eligible farm-related business.

To prevent any such misinterpretation, the FCA revises proposed § 613.3020(a) to clarify that a business must furnish ''farm-related services'' in order to qualify for System financing. Businesses that offer non-agricultural services to farmers and ranchers do not qualify as eligible farm-related businesses under sections 1.11(c)(1) and 2.4(a)(3) of the Act. Some examples of ''farm-related services'' that would be covered by the reproposed regulation are: (1) Spraying crops; (2) harvesting; (3) transporting agricultural commodities to grain elevators, livestock markets or other markets, and other processing centers; (4) custom feed mixing operations; (5) veterinary services; (6) drying or preserving farm commodities or products; (7) repairing and servicing farm implements, equipment and machinery; (8) computer and aerial mapping of soil and crop conditions; (9) nutritional analysis for livestock production; and (10) specialized animal husbandry services. Reproposed § 613.3020 would no longer require an eligible farm-related business to furnish services on the farms or ranches of its customers because the plain language of sections 1.11(c)(1) and 2.4(a)(3) of the Act and their legislative history do not impose an ''on-farm'' requirement.

2. Custom-type Services

Commercial bank commenters opposed the FCA's proposal to repeal

[6] S.R. No. 96–837, *supra.*

§§ 613.3050(a) and 619.9120, which required eligible farm-related businesses to furnish ''custom-type services'' to farmers and ranchers. ''Custom-type services'' are functions that farmers and ranchers can perform for themselves, but instead hire outside contractors to perform these tasks. One commenter suggested that an amendment to the Act would be necessary before the FCA could repeal this regulatory requirement.

The FCA disagrees that sections 1.11(c)(1) and 2.4(a)(3) of the Act limit eligibility for financing to those businesses that furnish ''custom-type services'' to their customers. Although passages in the legislative history to the Act contain examples of ''custom-type services'' that farmers and ranchers may perform for themselves, these examples appear illustratory. The FCA finds no evidence to support the contention that sections 1.11(c)(1) and 2.4(a)(3) of the Act preclude System banks and associations from financing farm-related services that are directly related to agricultural production. Under the circumstances, the repeal of §§ 613.3020(a) and 619.9120 would advance the purpose and objectives of the Act because farmers today rely on technologically advanced services that they cannot perform for themselves. Such services enable farmers and ranchers to: (1) Increase their income; (2) reduce their operating costs; (3) improve farm productivity; and (4) satisfy consumer demands for improved food quality and specialty food products.

3. Financing Other Purposes

Several commercial bank trade associations asserted that proposed § 613.3020(b)(1) would actually enable an eligible borrower who derives more than 50 percent of its income from furnishing farm-related services to obtain System financing for non-agricultural purposes.

The FCA proposed § 613.3020(b)(1) so that FCS banks and associations could, to the extent allowed by sections 1.11(c)(1) and 2.4(a)(3) of the Act, finance farm-related businesses that sell some agricultural goods or inputs that are not consumed in its services to farmers and ranchers. The FCA intended that proposed § 613.3020(b)(1) would allow FCBs, ACBs, and direct lender associations to provide ''whole firm'' financing to businesses that primarily furnish farm-related services to farmers and ranchers. Under the FCA's proposal, the following farm-related businesses, for example, could become eligible for System loans because they derive more than half of their income from providing farm-related services separately from selling farm goods or inputs: (1) Veterinary services that sell medications and supplemental feed mixes directly to farmers and ranchers; (2) farm equipment repair and maintenance services that also sell spare parts to their customers; and (3) crop fertilizing services that sell mixtures that farmers will apply to the soil between routine service calls. Because the borrower must derive more than 50 percent of its income, as measured on a gross sales or net sales basis, from furnishing farm-related services, the proposed regulation was designed to ensure that System banks and associations extend ''whole firm'' financing only to a farm-related business that primarily provides services, rather than goods or inputs, to its customers.

Sections 1.11(c)(1) and 2.4(a)(3) of the Act do not authorize FCBs, ACBs, and direct lender associations to finance the non-agricultural activities of farm-related businesses, and this was not the intent of the FCA. The FCA has revised this provision to ensure that financing under this section is provided only for farm-related business purposes. Reproposed § 613.3020(b) would authorize an FCB, ACB, or direct lender association to finance: (1) All of the farm-related business activities of an eligible borrower who derives more than 50 percent of its annual income (as consistently measured on either a gross sales or net sales basis) from furnishing farm-related services that are directly related to the agricultural production of farmers and ranchers; or (2) only the farm-related services activities of an eligible borrower who derives 50 percent or less of its annual income (as consistently measured on either a gross sales or net sales basis) from furnishing farm-related services that are directly related to the agricultural production of farmers and ranchers. This revision will prevent System banks and associations from financing the borrower's non-agricultural enterprises.

4. Income Test

The FCC and most System commenters suggested that the FCA revise proposed § 613.3020(b) so that a farm-related business could obtain System financing for all of its needs if some minimum percentage of its operations, as measured either on an income or asset basis, consists of furnishing farm-related services to farmers and ranchers. The FCC and most System institutions suggested that the FCA authorize System lenders to finance all of the needs of a business that derived at least 20 percent of income from furnishing farmers and ranchers with farm-related services. Two other commenters suggested that the FCA set the threshold at 10 percent or lower.

These commenters urged the FCA to lower the 50-percent threshold in proposed § 613.3020(b) because they assert that System banks and associations will be unable to compete in this segment of the agricultural credit market unless they can finance all of the borrower's operations. These commenters note that farm-related businesses usually conduct diversified operations that include farm supply and other types of business in addition to farm-related services. The commenters believe that the proposed approach may be unworkable because these diversified operations experience seasonal fluctuations in demand and are unlikely to segregate their diversified operations in their financial statements.

The FCC and one FCS association suggested an alternative to the income percentage test that would prevent System banks and associations from becoming concentrated in loans to businesses that do not primarily furnish farm-related services to farmers and ranchers. Under this alternative, the total outstanding loans of each FCB, ACB, or direct lender association to farm-related businesses that devote less than 50 percent of their operations to farm-related services would be limited to 15 percent of the institution's total outstanding loans at the end of the preceding fiscal year.

Although a portfolio limitation could achieve this policy result, the FCA has not adopted this suggestion because it does not believe that safety and soundness concerns require such controls or that such a limitation would be consistent with Congressional intent. The reproposed regulation maintains the threshold for whole firm financing at 50 percent. Allowing whole firm financing to a business that derives only a minority of its income from providing agricultural services is difficult to reconcile with sections 1.11(a)(1) and 2.4(a)(3) of the Act.

The FCA also declines requests to include assets as an additional measure of whether a borrower primarily furnishes services or sells supplies because it is virtually impossible to distinguish whether certain assets are consumed in providing farm-related services or sold as supplies.

5. Intra-System Competition

The BC and ACB expressed concern about intra-System competition for farm-related business loans. Although these two commenters did not

specifically object to proposed § 613.3020 or the FCC's recommendations, they supported a provision in proposed § 613.3000(a)(4) that would prohibit FCBs and direct lender associations from extending credit to legal entities that are eligible to borrow from a BC or an ACB. As discussed earlier, reproposed § 613.3000 would not prohibit FCBs and direct lenders from lending to certain cooperatives and their related entities. Although the FCA acknowledges the small overlap of the authorities of System institutions that operate under titles I, II, or III of the Act to finance farm-related businesses, neither the Act nor the regulations permit FCBs and their affiliated direct lender associations to extend whole firm financing to entities that sell primarily farm supplies. Therefore, intra-System competition should be limited. The FCA intends to review this issue again when it considers all aspects of intra-System competition.

O. Rural Home Regulation

The FCA originally proposed to redesignate and substantially revise the regulations that govern System loans to non-farm rural homeowners. The FCA received general comments on rural home lending from 22 parties, including FCS associations, credit unions, commercial banks, trade associations, borrowers, and a State agency.

Many FCS commenters offered general support for the proposed revisions to the rural home financing regulations. Borrowers stated that the amendments would have a positive effect on the rural economy and may keep more people living in rural America. The FCC stated that the proposed regulations clarify the authority of the FCS to finance both non-farm rural homes and the housing needs of agricultural producers. The FCC also supported the repeal of several regulatory requirements that are not required by the Act, but restrict the ability of the FCS to finance the housing and domestic needs of rural home borrowers. Three borrowers, one trade organization, and one governmental agency supported the provisions allowing home equity loans.

Non-System lenders and their trade associations opposed the proposed amendments. Their comments addressed such topics as potential customers, the geographic areas where loans could be made, and other matters. A credit union stated that the proposed regulations would hurt credit unions because it believed that non-farmers could borrow from the FCS to build homes, condominiums, and duplexes in non-rural areas. Another credit union objected to the possibility of increased competition from FCS rural home financing. Several commercial banking interests commented that the proposed amendments would expand the number of non-farmer mortgage borrowers expected to use System resources, loosening the bond between farmers and ranchers and the FCS.

These comments reflect incorrect assumptions about the rural home provisions of the Act and FCA regulations. Sections 1.11(b) and 2.4(b) of the Act allow FCS banks and associations to finance single-family, moderately priced dwellings in rural areas where the population does not exceed 2,500 inhabitants for rural residents who are not agricultural or aquatic producers. The Act also limits such loans to 15 percent of the outstanding loans of System banks and associations.

The proposed regulations distinguished housing loans for farmers under sections 1.11(a) and 2.4(a) of the Act from home loans for non-farmers under sections 1.11(b) and 2.4(b) of the Act. Because rural home loans are limited to 15 percent of outstanding loans and because only farmer borrowers are voting stockholders of FCS institutions, the clear separation provided for in the proposed amendments would not dilute the agricultural focus of the FCS, as some commenters suggest.

1. Loan-to-Value Ratio

Two commercial banking interests commented that the proposed regulation would permit higher loan-to-value ratios on rural home loans.

Loan-to-value limitations are set by the Act and not altered by the regulation. Section 1.10(a) of the Act and § 614.4210(b) require a long-term mortgage loan to be secured by a first lien interest in real estate that does not exceed 85 percent of the appraised value of the mortgaged property, except that FCS banks and associations may finance up to 97 percent of the appraised value of the property if the loan is guaranteed by a governmental agency. In addition, section 12 of the 1996 Reform Act[7] recently amended section 1.10(a) of the Act so that System mortgage lenders can rely on private mortgage insurance when the loan-to-value exceeds 85 percent. Under these circumstances, the repeal of the loan-to-value ratio in existing § 613.3040(c) is compatible with section 1.10(a) of the Act.

[7] Pub. L. 104–105, 110 Stat. 162 (Feb. 10, 1996).

2. Owner-Occupied Dwellings

Two commenters objected to the proposed elimination of the regulatory requirement that the dwelling be owner-occupied. The FCA's original proposal retained the existing requirement that the home be used as the primary residence of a rural resident but it would permit the owner to lease the property to another rural resident. The FCA believes that eliminating the regulatory owner-occupancy requirement advances the rationale for this authority, which is to ensure the availability of housing for rural residents. Therefore, the reproposal would also repeal the existing regulatory requirement that the borrower occupy the dwelling.

3. Consumer Protection Laws

A commercial banker questioned whether consumer protection laws apply to FCS rural home loans. The FCS's rural home lending practices are subject to the same Federal consumer protection laws and implementing regulations of the Board of Governors of the Federal Reserve System and the Department of Housing and Urban Development as are commercial banks. The FCA proposed to relocate the nondiscrimination in lending regulations in subpart E of part 613 to a new part 626 to give them more prominence. These regulations address the prohibitions of the Equal Credit Opportunity Act (15 U.S.C. 1601 *et seq.*) and the Fair Housing Act (42 U.S.C. 3601 *et seq.*). In addition, rural home lending transactions are subject to the requirements of the Truth-in-Lending Act (implemented at 12 CFR 226) and the Real Estate Settlement Procedures Act (implemented at 24 CFR 3500).

4. Agricultural Loan Priority

One commenter objected to the FCA's decision to delete existing § 613.3040(d)(3), which reflects the Agency's policy commitment to Congress that agricultural loans will have priority over non-farm rural home loans.

The FCA is not rescinding its policy commitment to Congress that agricultural loans will always have priority over rural home loans. Indeed, the preamble discussing the proposed deletion of § 613.3040(d)(3) stated that ''the FCA continues to adhere to this commitment.'' The FCA's decision to propose deletion § 613.3040(d)(3) is unchanged because it is a policy statement rather than an enforceable regulation. The deleted provision added nothing to the FCA's statutory powers to ensure that the credit needs of

agricultural or aquatic producers received priority during a financial crisis. For these reasons, no party should be concerned by the repeal of former § 613.3040(d)(3).

5. Definition of Rural Area

The FCA originally proposed to define a ''rural area'' as ''a designated rural area within a State or the Commonwealth of Puerto Rico including communities that have a population of not more than 2,500 inhabitants based on the latest decennial census of the United States.'' The FCA received comments from 17 parties on the definition of rural area in proposed § 613.3030(a)(3).

No commenters supported the FCA's proposal to rely on the Census to identify rural areas where the population does not exceed 2,500 inhabitants. Both System and non-System commenters stated that sparse population is not the sole determinant of a rural area. These commenters claimed that reliance on the Census ignores the social and economic characteristics of a rural area. Commercial banks, credit unions, and their trade associations opposed the FCA's original proposal because it would allow System banks and associations to finance housing in the rural pockets of metropolitan areas, where the commenters claim credit from other lenders is readily available. System commenters asserted that the Census designations would increase their regulatory burdens, but decrease their flexibility to offer home financing to residents of communities that are rural in nature. Some FCS associations claimed that the proposed regulation would require them to consult a Census map for each loan application to determine if the borrower's home is located in a designated rural area. Other FCS commenters advised the FCA that Census data is not updated frequently enough to reflect the changing demographics of rural areas. All commenters advised the FCA that the existing § 613.3040 provides the most workable definition of a rural area.

These comments have persuaded the FCA that Census information may not adequately implement the provision of the Act that defines a rural area. For this reason, the FCA withdraws its original proposal to rely solely on the Census for determining rural areas.

Reproposed § 613.3030(a)(3) would define a rural area as ''open country within a State or the Commonwealth of Puerto Rico, and may include communities that have a population of not more than 2,500 persons.'' The FCA has decided to delete the passage in § 613.3040(a)(3) that authorized Farm Credit banks and associations to make loans in open agricultural areas within ''towns'' where the population exceeds 2,500 inhabitants, subject to Agency prior approval. This provision addressed special situations where a municipality annexed the surrounding countryside or two municipalities merged, and as a result, the population of the new political entity exceeded 2,500 inhabitants. The FCA has rarely used this prior approval authority during the past 25 years. The reproposed regulation would delete this provision because it creates unnecessary confusion.

6. Definition of Moderately Priced Housing

The FCA originally proposed a two-part definition for moderately priced housing. The first part was a safe harbor provision, and it would have applied to the price of any home that satisfies the criteria in section 8.0 of the Act pertaining to rural home loans that collateralize securities that are guaranteed by the Federal Agricultural Mortgage Corporation (Farmer Mac). Under the second part of the original proposal, FCS banks and associations would be authorized to finance ''moderately priced'' rural homes that have a value no higher than the 75th percentile of housing values in the rural area where the dwelling is located in accordance with the most recent edition of the Census of Housing.

The FCA received several comments criticizing this proposed change. Two FCS associations commented that the amendment would impose restrictions not found in the Act or in existing regulations and would limit FCS's ability to serve rural residents. Some FCS associations commented that proposed § 613.3030(a)(4) is flawed because they believe that it is neither possible nor desirable to devise a clear single standard for moderately priced housing in rural areas across the United States. Although the FCC agreed with FCA's objective of establishing a clear standard, it stated that the proposal does not meet this objective because the proposed regulation would provide the FCS with less flexibility than the former regulation to finance moderately priced homes.

A commercial bank trade association objected to the definition of ''moderately priced'' homes in proposed § 613.3030(a)(4) because it allows System lenders to make home loans in rural pockets of metropolitan areas where the population does not exceed 2,500 persons pursuant to the latest Census of the United States. This commenter expressed concern that the proposal would allow the FCS to finance moderately priced housing on the fringes of urbanized areas, and could redirect the System away from lending to rural America, farmers and ranchers.

The FCA received comments from four parties, including three FCS associations and one trade organization about the use of Farmer Mac criteria as a safe harbor provision. The FCC supported this provision because the Farmer Mac criteria have a Congressionally mandated relationship to the FCS's rural home authorities and are thus suitable as one possible measure of moderately priced housing. This commenter urged the FCA to allow additional standards, as well, that would take into account geographical differences in housing values. Several associations shared the view that an additional standard is needed that would recognize higher housing costs in certain areas. As an example, one association noted that a 2000 square foot home in its territory would exceed the Farmer Mac criteria.

The FCA also received comments from 22 parties objecting to the use of Census data to determine the value of moderately priced housing. Many System institutions commented that the use of Census data is not required by the Act or the existing regulations. Moreover, they observed that Census data are not useful for a number of reasons, including: (1) They are based on subjective estimates of the homeowners rather than market transactions; (2) the Census survey is conducted every 10 years and thus the data are soon outdated; and (3) the data cut across market boundaries which leads to wide and arbitrary differences in the definition of moderate price between counties or census blocks.

Six FCS associations provided examples of the adverse effects of using the Census housing data to determine the value of moderately priced housing. They commented that using Census data would: (1) Restrict the market, competitiveness, and spreads; (2) reduce the current maximum limit the FCS institutions use for moderately priced housing in some areas by 50 percent or more; and (3) result in a significant increase in administrative work.

Most System commenters offered specific recommendations for how the FCA could revise this regulation to determine the value of moderately priced housing. Fourteen commenters recommended that the Federal Home Loan Mortgage Corporation (Freddie Mac) or Federal National Mortgage Association (Fannie Mae) limits determine the moderately priced

standard for System rural home lending. These commenters believed that the Freddie Mac and Fannie Mae thresholds would avoid the defects of the Census data and would provide for a level playing field with competitors. Other commenters suggested that FCA retain the definition in the existing regulation to provide System lenders with greater flexibility to use other reasonable methods to determine moderately priced values. Another frequent suggestion was to authorize System institutions to rely on any accepted independent study or formula from a credible regional or national source.

The FCC offered two approaches. First, the Farmer Mac limit would be used as a safe harbor provision and a higher limit could be adopted if it were supported by a study that established local standards for moderately priced housing, based on actual sales. In the alternative, the FCC suggested that the System could use any combination of Farmer Mac criteria, Freddie Mac or Fannie Mae guidelines, information provided by the Department of Housing and Urban Development, information on income provided by the Census, local sales data, or market studies.

The FCA continues to believe that the Farmer Mac standard for the value of a rural home is a useful method for determining moderately priced housing because the criteria in section 8.0 of the Act are directly related to home financing in rural areas of 2,500 inhabitants and the System's rural housing authorities. For this reason, homes that satisfy the Farmer Mac criteria would be considered moderately priced under reproposed § 613.3030(a)(4)(i). In response to System comments that Farmer Mac criteria ignore variations in housing costs in different rural areas, the FCA points out that section 101 of the 1996 Reform Act clarifies that the Farmer Mac limit of $100,000 (as adjusted for inflation since 1988) refers to the value of the dwelling only, exclusive of the value of the land on which it is situated.[8] This statutory clarification provides flexibility for lending in areas where land values are higher.

Reproposed § 613.3030(a)(4)(ii) would also allow FCS lenders to finance rural homes that are below the 75th percentile of housing values for the rural area where it is located, as determined by data from a credible, independent, and recognized national or regional source, such as a Federal, State, or local government agency, or an industry source. Each System bank or association will bear the burden of demonstrating that the price range it selects reflects moderately priced housing in the specific locale where its rural home loans are made. FCS institutions may use the Census of Housing data for their studies but are not be required to do so. If this reproposal is adopted as a final regulation, the FCA will review the methods used during examinations of FCS institutions.

The FCA has decided not to incorporate the maximum loan amount used by Freddie Mac or Fannie Mae into the reproposed regulation. The FCA believes that the Freddie Mac and Fannie Mae maximum loan amounts may not be representative generally of moderately priced housing in rural areas because they include housing values in urban and suburban communities. Furthermore, the Freddie Mac and Fannie Mae maximum loans amounts are not necessarily a measure of moderately priced housing.

7. Home Equity Lending

The FCA's original proposal would have allowed non-farm rural homeowners to obtain home equity loans and lines of credit from System lenders, secured by the rural home, without a restriction on the borrower's use of the proceeds.

The FCA received comments from seven parties, including one commercial bank, five trade associations, one borrower, and one governmental body on the eligibility requirements for rural home lending. A Farm Credit borrower supported home equity loans because the commenter believes that this authority would enhance the ability of the FCS to finance the agricultural community. The FCC, commenting generally on the amendments to the rural home lending regulations, stated that the proposed regulations clarify that FCS institutions may offer equity line-of-credit loans to rural homeowners. The FCC agreed that equity line-of-credit loans would enable FCS to better fulfill its statutory mission of providing an adequate and flexible flow of credit into rural areas.

The NDCUL and a commercial banker stated without explanation that the FCS should not be allowed to make home equity loans for consumer purposes to rural residents who are not farmers, ranchers, or aquatic producers or harvesters. A State governmental agency opposed the FCA's proposal as presenting unfair competition with commercial banks and credit unions. Another commenter contended that home equity consumer loans to borrowers who are not farmers, ranchers, or aquatic producers or harvesters are not within the System's statutory mission.

Three banking trade associations also opposed this proposal. One stated that it does not believe that ''home equity lending comports with this GSE's statutory reasons for existence.'' It expressed concern that home equity lending may be used for consumer purposes rather than housing purposes and that home equity lending would reduce available FCS funds for rural housing loans because of the portfolio limitation. The commenter stated that the FCA presents no evidence that such home equity lending is an unmet need in a very competitive home equity lending market. Another commenter objected because it does not believe that there is express authority for home equity lending and that being a full-service lender to rural residents does not comport with the System's reason for existence. A third trade association stated that several of its members questioned the advisability of FCS making home equity loans because they believe that such loans are risky. This commenter asked that the FCA provide a detailed explanation of the underwriting standards that are envisioned for home equity lending. It also noted that loan proceeds could be for consumer goods, which it deems as inappropriate for the FCS.

In response to the comments from banking interests, the FCA rescinds its original proposal regarding home equity lending and restores the purpose restrictions contained in existing § 613.3040(c) as reproposed § 613.3030(c). The FCA notes that System lenders are not precluded from extending authorized credit to rural homeowners through revolving lines of credit. The reproposal would, however, require that such credit extensions be limited to the purposes specified. This change to the proposed rule on home equity lending makes unnecessary the proposed conforming amendments to § 614.4222, and those proposed amendments are now withdrawn.

No comments were received on proposed § 613.3030 (a)(1) or (a)(2), and it is included in the reproposed regulation without revision. No comments were received on proposed § 613.3030(c), and it is redesignated as reproposed § 613.3030(d).

P. Allowable Real Estate Security

The FCA received 12 comments about the requirements for the type of allowable real estate security for long-term mortgage loans in § 614.4210(a). Most commenters requested that the FCA clarify that housing for agricultural producers is not subject to the

[8] *Ibid.*

limitations on location, type of housing, or price for rural home lending. Many commenters also supported increased flexibility in the types of real estate collateral that could be counted toward the statutory 85-percent loan-to-value limitation.

The FCA reaffirms that the limitations for the type of house and the value of the house for rural home lending apply only to housing for individuals who are not farmers, ranchers, or aquatic producers or harvesters. As stated in the discussion of financing a farmer's housing and domestic needs, such housing can be financed under farm lending authorities for a *bona fide* farmer, rancher, or aquatic producer or harvester.

The FCA has considered the issue of allowable collateral for long-term mortgage lending under title I of the Act when it proposed amendments to the loan underwriting regulations on March 12, 1996. *See* 61 FR 16403 (April 15, 1996). Under that proposed rule, the FCA would continue to limit the types of collateral that can secure a mortgage loan, but it allows flexibility so that the collateral remains primarily agricultural in nature. The rule also would continue the requirement that the loan-to-value ratio not exceed 85 percent. The FCA will consider comments to its proposal of March 12, 1996, before it adopts final amendments to § 614.4210(a) and other regulations that govern loan underwriting and collateral standards.

Q. Title III Domestic Lending Regulation

The FCA's original proposal would significantly restructure and clarify the regulations that govern eligibility and scope of financing for BCs and ACBs. More specifically, the FCA initially proposed to redesignate existing § 613.3110 as § 613.3100, and rearrange this regulation so it addresses the authority of BCs and ACBs to finance the following class of borrowers: (1) Cooperatives, their parents, subsidiaries and other related entities that serve agricultural or aquatic producers; (2) electric, telecommunication, and cable television utilities; (3) water and waste disposal facilities; and (4) domestic lessors.

As noted in the preamble to the original proposal, many proposed revisions reflect provisions of the 1992 amendments[9] and the Farm Credit System Agricultural Export and Risk Management Act (1994 Act).[10] After the comment period for this proposed rulemaking expired, the 1996 Reform Act was enacted into law. The 1996 Reform Act amended two provisions in section 3.8 of the Act that govern the eligibility of certain cooperatives and rural utilities to borrow from banks that operate under title III of the Act. Accordingly, the FCA has incorporated these statutory amendments into reproposed § 613.3100.

Comments were received from the St. Paul BC, CoBank, ABA, IBAA and NDBA. In general, the comments from the St. Paul BC and CoBank supported the proposed regulation. These commenters, however, requested clarification or modification of certain provisions of the original proposal. CoBank and the St. Paul BC supported the FCA's proposal to repeal existing §§ 613.3005 and 613.3110(b)(2), which prescribe business objectives and management practices for title III banks.

The three commercial bank trade associations endorsed all revisions that implement amendments to the Act. Otherwise, these three commenters opposed revisions concerning service cooperatives that provide financially related services and cable television utilities.

1. Definitions

CoBank objected to the FCA's decision to delete the words ''a combination of such associations and farmers, ranchers, or producers or harvesters of aquatic products'' from the definition of a cooperative in proposed § 613.3100(a)(1). The commenter claimed that this revision is a ''step backwards'' for certain cooperative combinations. Because of the commenter's concern, the previous wording is reinserted into the reproposed regulation with minor stylistic revisions.

The comments from bank trade associations opposed § 613.3100(a)(5) as proposed, because it would allow a BC or ACB to finance cooperatives that provide business and financially related services to their members. These commenters claim that Congress intended that the BCs and ACBs only finance cooperatives that aid production agriculture and that such service cooperatives should be served exclusively by commercial lenders.

CoBank objected that proposed § 613.3100(a)(5) would require an eligible service cooperative to be ''predominantly'' involved in providing business and financially related services to farmers, ranchers, and aquatic producers or harvesters. The commenter observes that the word ''predominantly'' does not appear in section 3.8(a) of the Act. CoBank asserted that including it in the definition converts a scope of financing question into an eligibility issue.

The arguments against permitting title III lending to cooperatives that provide business and financial services to farmers are not supported by the Act and its legislative history. Section 3.8(a) of the Act expressly authorizes BCs and ACBs to finance eligible cooperatives that furnish ''business services or services'' to farmers, ranchers, aquatic producers or harvesters, or their cooperatives. This authority to finance service cooperatives has its origins in the Farm Credit Act of 1935.[11] The legislative history to this provision reveals that Congress contemplated that these System banks would lend to service cooperatives that offered financially related services, such as insurance, to their members.[12] In 1980, Congress amended section 3.8(a)(4) of the Act so that service cooperatives would continue to qualify for FCS loans so long as 60 percent of their members are farmers, ranchers, or aquatic producers or harvesters. The 1996 Reform Act enables existing cooperative borrowers to retain their eligibility for BC or ACB loans if more than 50 percent of their members are agricultural or aquatic producers. Thus, the Act and its legislative history clearly refute the belief that BCs and ACBs lack authority to finance business and financially related service cooperatives. Furthermore, nothing in the Act or its legislative history supports the commenters' contention that a BC or ACB is authorized to finance only cooperatives that assist ''on-farm'' agricultural production. For these reasons, the FCA rejects the view that FCS banks operating under title III of the Act lack authority to finance cooperatives that furnish business and financially related services to agricultural and aquatic producers.

The FCA agrees with the comment that the word ''predominantly'' in proposed § 613.3100(a)(5) is more restrictive than the statute, since section 3.8(a) of the Act, as amended, establishes specific thresholds for farmer membership in an eligible service cooperative. Thus, the FCA deletes the word ''predominantly'' from reproposed § 613.3100(a)(5).

2. Cooperatives and Other Entities Serving Other Agricultural or Aquatic Producers

Section 613.3100(b) governs the eligibility of agricultural or aquatic

[9] Pub. L. 102–552, 106 Stat. 4102 (Oct. 28, 1992).

[10] Pub. L. 103–376, 108 Stat. 3497 (Oct. 19, 1994).

[11] P.L. No. 87–74, 49 Stat. 317 (June 3, 1935).

[12] H.R. 155, 74th Cong., 1st Sess. (Feb. 18, 1935) p. 9; *Farm Credit Act of 1935: Hearings on S. 1384 Before the Senate Committee on Banking and Currency*, 74th Cong., 1st Sess. p. 22 (Jan. 29, 1935).

cooperatives and their related entities to borrow from title III lenders. Other eligible entities include: (1) The parent of an eligible cooperative; (2) a subsidiary or other legal entity in which an eligible cooperative has an ownership interest; and (3) a non-profit entity that satisfies the criteria in section 3.8(b)(1)(D) of the Act.

Section 14 of the 1996 Reform Act amended section 3.8(a) of the Act to permit the continued eligibility of pre-existing cooperative borrowers as long as at least 50 percent of the voting control is held by farmers, ranchers, aquatic producers or harvesters, or their cooperatives. Section 14 of the 1996 Reform Act also amended section 3.8(b)(1)(D) of the Act so that eligible non-profit entities and their subsidiaries also benefit from this statutory change. Accordingly, reproposed § 613.3100(b)(1)(i) and (b)(2)(iii) incorporates these statutory provisions of the 1996 Reform Act.

Both System commenters expressed support for proposed § 613.3100(b)(2)(ii), which allows a title III bank to extend credit to an entity in which an eligible cooperative is a minority owner. Such financing is limited to the cooperative's percentage of ownership multiplied by the borrowing entity's total assets. CoBank asked for clarification on three questions about how title III banks should measure the borrower's total assets: (1) Are the entity's total assets measured at the beginning or the end of a capital project? (The commenter suggested that the end of a project is the better measure.) (2) How should assets be measured for borrowers with wide seasonal fluctuations in assets? (The commenter recommended that the seasonal peak in assets be the appropriate measure.) (3) Should the borrower's assets be measured according to their book or market value? (The commenter believes that book value, as the more conservative standard, is appropriate.)

The FCA believes each of the suggested clarifications is reasonable and consistent with the intent of section 3.7(b)(2)(A)(ii) of the Act. However, a uniform method of calculating total assets cannot be developed for all three scenarios. Thus, the FCA believes that each title III lender should establish in its lending policies the most appropriate measure of the borrower's assets depending on the nature of the credit request. For this reason, the FCA makes no modification to the reproposed regulation at this time. However, the FCA may issue regulatory guidance on asset measurement practices in the future.

3. Electric and Telecommunication Utilities

Section 613.3100(c) of the original proposal and the reproposal contains rural utility lending authorities. The FCA received comments from CoBank, the St. Paul BC, and the IBAA on proposed § 613.3100(c). One comment suggested that the FCA retitle the section to read ''Electric and telecommunications utilities,'' because cable television is widely recognized as a subset of telecommunications. The FCA accepts this recommendation and has incorporated this change into the title of reproposed § 613.3100(c).

CoBank objected to the FCA's proposal to delete from the regulations explicit reference to farmer-owned utility cooperatives that are eligible to borrow from a BC or ACB under section 3.8(a) of the Act, instead of the Rural Utilities Service (RUS) provisions in section 3.8(b)(1)(A) of the Act. CoBank asserts that such authority exists in the statute, and therefore, it should be retained in the regulation even though it is not likely to be used frequently. The FCA accedes to the commenter's request and incorporates this statutory authority into reproposed § 613.3100(c)(1)(i). The remaining provisions of reproposed § 613.3100(c)(1) have been renumbered accordingly.

The 1996 Reform Act repealed the RUS and Rural Telephone Bank (RTB) certification requirements in section 3.8(b)(1)(A) of the Act. Accordingly, reproposed § 613.3100(c)(1)(ii)(C) revises the original proposal to conform with the revised statute. The St. Paul BC suggested that the FCA relocate the phrase ''other entities, or the subsidiaries of such cooperatives'' in paragraph (c)(1)(i)(C) to the end of that paragraph with appropriate stylistic revisions. The commenter observed that section 3.8(b)(1)(A) of the Act does not require the subsidiary of a cooperative or other entity to be eligible for a RUS or RTB loan. The FCA agrees with the commenter, and reproposed § 613.3100(c)(1)(iii) will specifically govern loans by title III banks to subsidiaries of cooperatives and other entities that are eligible to borrow from the RUS or RTB. The FCA has, accordingly, renumbered the remaining provisions of reproposed § 613.3100(c)(1).

The St. Paul BC and CoBank requested that the FCA delete references to RUS and RTB regulations in proposed § 613.3100(c)(2) because the Act does not subject BCs and ACBs to the scope of financing provisions of the Rural Electrification Act of 1936, as amended (REA Act). One comment letter included selected passages from the legislative history that indicate that Congress did not intend that title III banks adhere to the same loan purpose restrictions as the RUS or RTB. These commenters claimed that proposed § 613.3100(c)(2) is more restrictive than the Act and would deny creditworthy and eligible rural utilities access to System credit to the full extent of the law.

The commenters have persuaded the FCA that the references in proposed § 613.3100(c)(2) to RUS and RTB regulations could prevent BCs and ACBs from financing rural utilities to the extent allowed by the Act. For this reason, references to the REA Act and RUS and RTB regulations are omitted from reproposed § 613.3100(c)(2). Instead, the reproposed regulation would authorize lending for electric or telecommunication services in a rural area as allowed by the Act.

The IBAA opposed provisions in proposed § 613.3100(c)(2), which would authorize BCs and ACBs to finance a subsidiary of a rural electric or telecommunications utility that operates a licensed cable television carrier. This commenter claimed that the proposed regulation appears to conflict with the REA Act because it would allow a cable television subsidiary of a rural utility to borrow from a BC or ACB even though the REA Act expressly prohibits the RUS and RTB from financing cable television. In this commenter's view, the proposed regulation circumvents the REA Act by severing eligibility from scope of financing.

The IBAA also notes that the System sought legislation in the spring of 1995 to enhance the ability of the title III banks to finance the ''rural information highway,'' including telecommunications services beyond basic telephone service to rural communities. Because no such legislation was enacted, or introduced, the commenter believes that title III banks lack the current authority to finance cable television carriers.

Section 3.8(b)(1)(A) of the Act authorizes BCs and ACBs to finance rural utilities that are eligible to borrow from the RUS and RTB, and their subsidiaries. A cable television carrier qualifies for financing from a title III bank if it is the subsidiary of a rural utility that is eligible to borrow from the RUS or RTB. Although the Rural Electrification Act of 1936, as amended, prohibits the RUS or RTB from financing the cable television subsidiary, section 3.8(b)(1)(A) of the Act expressly authorizes a BC or ACB to extend credit to the same subsidiary. The FCA's position is clearly supported by the legislative history to section

3.8(b)(1)(A) of the Act, which reveals that Congress specifically intended to authorize title III banks to finance cable television carriers that are ineligible for RUS or RTB loans. The sponsor of section 3.8(b)(1)(A) stated:

> In addition, this authority will enable rural telephone systems and their subsidiaries to obtain financing for certain projects that contribute to the economic well-being of the telephone system's service area. Many of these projects undertaken by rural telephone systems involve so-called non-Act purposes-meaning that such projects are ineligible for REA financing under the Rural Electrification Act. *These non-Act purposes usually involve providing of communication services such as cable television facilities and cellular radio facilities* * * * (emphasis added)

The System's 1995 legislative initiative does not affect this existing authority. The legislative proposal would have expanded the lending authority of title III banks in a number of respects, including permitting them to finance cable television carriers that are not subsidiaries of entities eligible to borrow under the REA Act. Thus, the comment that FCA's regulation exceeds statutory authority lacks merit.

The St. Paul BC notes that the restriction on financing to entities that are partially owned by an eligible utility appears in proposed § 613.3100(c)(3), but no provision of this regulation expressly declares such entities to be eligible borrowers.

The FCA agrees that the regulation would be clearer if the eligibility of such entities were set forth in § 613.3100(c)(1). Accordingly, the FCA has added a new paragraph (c)(1)(iv), to reproposed § 613.3100. This addition makes proposed § 613.3100(c)(3) unnecessary, and it is deleted from the reproposed regulation.

4. Water and Waste Disposal Facilities

CoBank provided the only comment on this section of the regulation. The commenter objected to the word ''solely'' in proposed § 613.3100(d)(2), which governs the financing authority for water and waste disposal facilities for title III banks. The commenter argues that such a restriction is not in the Act and that title III banks need the flexibility to finance ownership transfers so that water and waste disposal utilities can adjust to changes in their rural customer base and continue as viable entities. CoBank urges the FCA to construe the terms ''maintaining'' and ''operating'' in section 3.7(f) of the Act as allowing title III lenders the flexibility to finance ownership transfers for water and waste disposal facilities. The commenter expressed concern that the use of the word ''solely'' in § 613.3100(d)(2) will have a chilling effect on the types of prudent financing that BCs and ACBs can provide these borrowers.

Both section 3.7(f) of the Act and § 613.3100(d)(2) authorize title III banks to extend financing to certain entities for the purpose of ''installing, maintaining, expanding, improving or operating water and waste disposal facilities in rural areas.'' As the FCA interprets section 3.7(f) of the Act, the sale of ownership interests in such entities is reasonably within the scope of ''maintaining'' or ''operating'' a rural water or waste disposal facility. Therefore, revision of § 613.3100(d)(2) is unnecessary.

5. Domestic Lessors

The FCA received no comments about proposed § 613.3100(e), which authorizes BCs and ACBs to make loans to domestic lessors, pursuant to section 3.7(a) of the Act. This provision remains in the reproposed regulation without revision.

R. Title III International Lending Regulation

The FCA originally proposed to redesignate and substantially revise the regulation that implements the international lending authorities of BCs and ACBs. The new regulation would implement provisions in the 1994 Act, which expanded the authority of BCs and ACBs to finance the import, export, and international business operations of cooperatives and other eligible borrowers. The FCA also proposed several conforming and technical amendments to §§ 614.4010(d), 614.4020(a), 614.4233, and subpart Q of part 614 to reflect the expanded international lending powers of title III banks.

Section 3.7(d) of the Act requires the FCA to consult with the Board of Governors of the Federal Reserve System (Board of Governors) whenever it formulates regulations pertaining to the international lending activities of title III banks so that the new ''regulations conform to national banking policies, objectives, and limitations.'' The FCA submitted the proposed international lending regulations to the Board of Governors for review and evaluation on August 9, 1995. On December 8, 1995, the Board of Governors informed the Chairman of the FCA, by letter, that it had no objection to the new regulations. The Board of Governors, however, advised the FCA that increased international lending increased the risk of loss to BCs and ACBs, which should be closely monitored.

Comments about the original proposal were received from a commercial banker, a member of the CoBank board, CoBank, the ABA, IBAA, and the NDBA. The three commercial bank trade associations supported § 613.3200 because it implements the 1994 Act. The commercial banker, however, commented that the expansion or FCS powers would place the FCS in direct competition with commercial banks for international loans without any of the regulatory mandates and responsibilities that commercial bankers face. The FCA responded to similar comments earlier in this preamble and finds the commercial banker's comment without foundation. The CoBank board member supported the proposed regulation as important to the evolving international business environment. CoBank's response supported most of the proposed regulation, including the definition of farm supply cooperatives and the treatment of import and export transactions. CoBank, however, had substantive comments on the two provisions which are discussed below.

CoBank asserted that provisions in proposed §§ 613.3200 (d) and (e), which limit subsidiary financing to international business ''transactions,'' are more narrow than the Act. The comment states that the Act contains no such limitation and only requires that, subject to limitations regarding percentage of ownership and plant relocation, the financing be ''for the purpose of facilitating its domestic or foreign *business operations* * * *'' (emphasis added). CoBank also cites a technical analysis attached to an FCA letter dated August 17, 1994, to then House Agriculture Committee Chairman de la Garza in support of its position.

The FCA's use of the terms ''transactions involving international business operations'' and ''international business transaction'' referred to the foreign business operations of the domestic or foreign entities, and it was not intended to limit the type of financing that is authorized by the Act. In order to clear up any confusion, the FCA has revised the title to reproposed § 613.3200(d) by omitting the words ''transactions involving.'' Furthermore, the FCA has substituted ''operations'' for ''transaction'' in reproposed § 613.3200(e).

S. Similar Entity Participation Regulation

The FCA proposed § 613.3300 to implement the new authority of System banks and associations to participate in loans made by non-System lenders to ''similar entities''—ineligible persons whose operations are functionally

similar to those of eligible borrowers. The proposed definition of ''similar entity'' requires that a majority of the entity's income be derived from, or a majority of its assets be invested in, the conduct of activities that are performed by eligible borrowers. The FCA solicited comments on: (1) Whether the regulation should provide a specific listing of the parties who qualify as similar entities; (2) whether the regulation ought to provide further guidance about the new financially related service (FRS) authority; (3) how the regulation can best accord equitable treatment to both the funding banks and their affiliated associations; and (4) whether consent for out-of-territory participations on similar entity loans ought to be required.

The FCA received 37 comment letters on its original proposal concerning similar entity authority. Comment letters were received from the FCC, six Farm Credit banks, 27 FCS associations, the ABA, IBAA, and NDBA.

Comments by FCS institutions were mixed. Some institutions supported the various definitions and provisions in proposed § 613.3300, whereas others recommended a broader interpretation of the statutory provision. The ABA, IBAA, and NDBA believe that the proposal to permit System banks to participate with non-System lenders in loans to similar entities exceeds the authority that Congress has granted. Although the ABA stated that the proposal appears to comply with recent amendments to the Act, it claims that the expanded eligibility rules in §§ 613.3000, 613.3010, and 613.3020 negate the need for similar entity authority. The IBAA stated that the proposal appears to go much further in the types of similar entities than Congress originally anticipated to be eligible. The commenter also requested more definition and a more narrow interpretation of the statutory language.

The FCA affirms that its original proposal regarding similar entities is within the parameters of the Act. Proposed § 613.3300 closely tracked the language of the Act. The fact that System banks and associations may have greater flexibility to finance eligible borrowers within the scope of their statutory powers does not render their similar entity participation authorities unnecessary.

1. Providing a List

Twenty-nine FCS commenters opposed incorporating a specific list of the parties who qualify as similar entities in the regulation, because they saw no need for or discernible benefit from having such a list. Some System institutions commented that to the extent that a list may be useful, similar entities can be identified through a bookletter or other guidance. System commenters perceived that any list of eligible similar entities could be unduly restrictive and that the similar entity authorities should provide maximum latitude for risk diversification. The IBAA suggested that the regulation provide such a listing.

The FCA concludes that the inherent difficulty of anticipating every type of entity that might qualify and the time required to amend regulations makes a regulatory listing impracticable for this authority. Accordingly, the reproposed regulation does not list similar entities. However, the FCA will monitor such activity through its examination process and evaluate the need for further guidance.

2. Guidance on Financially Related Services (FRS) Authority

Four FCS associations commented that further guidance on FRS authorities is not needed because the approved list of services already exists. CoBank requests that the FCA clarify that the related services regulations of part 618 do not apply to transaction-type items for similar entity loans. The commenter believes that unless the lender can react quickly to a request, the opportunity for participation may be lost.

The reproposed regulation does not provide any further guidance on FRS authorities as they pertain to similar entity transactions. The FCA may, however, provide such other forms of guidance as may be determined necessary in the future.

3. Definitions

The FCA received no comment on the definition of ''participation'' in § 613.3300(a)(1), which mirrors provisions in sections 3.1(11) and 4.18A of the Act. Thus, the reproposed regulation does not change this definition.

Although System institutions generally were supportive of the FCA's original proposal, many considered the definition of ''similar entity'' to be more narrow and restrictive than the Act. These commenters asserted that it provides System lenders with little opportunity to participate in loans to similar entities, because most persons or legal entities involved in production agriculture already qualify as eligible borrowers under title I or II. These commenters also recommended that the FCA revise § 613.3300(a)(2) so it treats a party who is eligible to borrow directly from certain FCS associations engaged in short-term lending under §§ 613.3000, 613.3010, or 613.3020 as a similar entity for an association engaged in long-term mortgage lending, and vice versa. In other words, the commenters suggested that a party who is an eligible borrower for an FCS institution that operates under title I should qualify as a similar entity for a title II association and a title II borrower as a similar entity for title I associations. Other System commenters disagreed with this approach and supported the FCA's proposal on this issue.

The St. Paul BC commented that the proposed definition could be read to mean that a party eligible for a loan from an association would not qualify as a ''similar entity'' with respect to a BC, and vice versa. Therefore, the commenter proposed specific regulatory language that would classify an eligible title III borrower as a similar entity for FCBs and direct lender associations, and vice versa.

The definition of ''similar entity'' in § 613.3300(a)(2) closely tracks sections 3.1(11)(B)(ii) and 4.18A(a)(2) and provides FCS institutions with the flexibility allowed by law. The FCA disagrees with those commenters who assert that the same borrower may be an eligible borrower under title I, but a similar entity under title II of the Act. The plain language of section 4.18A(a)(2) of the Act makes it clear that a similar entity is one who is *ineligible* to borrow directly from a title I bank or a direct lender association. Section 4.18A(a)(2) of the Act makes it equally clear that the eligibility of the borrower, not the lending powers of a System institution, determines similar entity status. There is no distinction in the Act between the types of borrowers who are eligible for financing under title I and title II.

The FCA agrees with the St. Paul BC that a party who is eligible to borrow under title III of the Act can qualify as a similar entity under titles I and II of the Act. However, the FCA declines to amend § 613.3300(a)(2) as the commenter suggests because the commenter's concerns already are adequately addressed by proposed § 613.3300 (e)(3) and (e)(4), which is redesignated in the reproposed regulation as § 613.3300 (d)(2) and (d)(3), respectively.

4. Similar Entity Transactions

Ten System commenters considered § 613.3300(b), as originally proposed, to be too restrictive and they urged the FCA to delete the words ''for purposes similar to those for which an eligible borrower could obtain financing from the participating FCS institutions.'' These commenters believe that the Act

imposes no such limitation on the phrase ''functionally similar.'' In addition, the commenters believe that the FCA's original proposal contradicts the intent of Congress because section 4.18A(b) of the Act grants title I banks and direct lender associations similar entity authority ''notwithstanding any other provision of this Act.'' The commenters strongly supported a broader interpretation of section 4.18A of the Act.

CoBank objected to a statement in the preamble that identified certain rural utilities as similar entities. CoBank commented that there is no statutory basis for limiting participations in similar entity loans to electric utilities in rural areas. The FCA assures the commenter that the preamble passage to the proposed regulation only provided one example of a similar entity. This illustration was not intended to limit the authority of title III banks to participate in loans to similar entities.

In conjunction with its recommended definition of similar entity, the St. Paul BC also recommended a corresponding change be made to § 613.3300(b) by deleting the language ''that is not eligible to borrower directly under §§ 613.3000, 613.3010, 613.3100, or 613.3200.''

The FCA believes that its interpretation clarifying ''functionally similar'' is consistent with the plain language of the Act and complies with Congressional intent. The ''notwithstanding'' language in section 4.18A does not negate the rest of this same provision, which states that FCBs, ACBs, and direct lender associations ''may participate in any loan of a type otherwise authorized under title I or II. * * *'' Section 4.18A of the Act did not alter the lending authorities of title I and II lenders. Instead, the similar entity provisions of the Act authorize such banks and associations to participate with non-System lenders in loans to ineligible borrowers. Although many commenters stated that the Act does not define and therefore does not limit the phrase ''functionally similar,'' the fact that the Act contains this phrase implies there are some restrictions. For this reason, the FCA continues to believe that similar entity loans must be for purposes that are similar to those for which an eligible borrower could obtain FCS financing. In addition, the FCA did not adopt the recommendation to eliminate the references to the regulations defining ''eligible borrower.'' However, the FCA notes that these references do not prevent a title III bank from participating in a similar entity loan to a party who is eligible to borrow under titles I and II of the Act but ineligible to borrow under title III, and vice versa. Therefore, reproposed § 613.3300(b) is unchanged from the original proposal.

5. Compatibility With Lending Authorities Under Titles I and II of the Act

System commenters were evenly divided about proposed § 613.3300(c), which would have required an institution to participate in only those loans it is authorized to make; i.e., short- and intermediate-term versus long-term loans. Two FCS banks and several associations supported the FCA's approach as a reasonable interpretation of the Act. The commenters believe that proposed § 613.3300(c) implements the passage in section 4.18A(b) of the Act that refers to ''any loan of a type otherwise authorized under title I or II of the Act.'' One commenter states that the term ''authorized'' in the Act implies that a particular institution has the authority in question to make the loan except for the fact that the borrower is ineligible, and thus is a similar entity. These commenters also expressed concern about intra-System competition for similar entity loans. Some commenters opined that proposed § 613.3300(c) promotes safety and soundness by requiring System institutions to participate in loans that are compatible with their expertise.

Two FCBs and six associations opposed proposed § 613.3300(c), and they asked the FCA to delete it from the regulation. These commenters assert that § 613.3300(c) is incompatible with the underlying purpose of sections 3.1(11)(B) and 4.18A of the Act, which was to promote risk diversification. These commenters believe that the risk diversification purpose is best served if a System bank or association can participate in similar entity loans that are incompatible with their short-, intermediate-, or long-term lending powers. These commenters opined that proposed § 613.3300(c) is contrary to the FCA's Regulatory Philosophy Statement of eliminating regulatory restrictions that neither implement or interpret the Act nor promote safety and soundness. These commenters claim that proposed § 613.3300(c) unduly restricts their ability to exercise their statutory powers.

The FCA has concluded that, while both interpretations of the Act are reasonable, eliminating this restriction in proposed § 613.3300(c) gives better effect to the statutory language and the Congressional purpose of section 4.18A of the Act. The express purpose of this provision is to assist FCS banks and associations in managing risk. The FCA agrees that participation in similar entity loans that differ from an institution's portfolio of either short- and intermediate-term loans or long-term loans promotes risk diversification. Additionally, the FCA notes that credit facility loan transactions, which comprise separate loans with different terms to a single borrower, are often the subject of loan participations. A rule that would permit only ACAs, but not FCBs or other associations, to participate in such transactions could substantially limit the ability of titles I and II lenders to make use of their similar entity participation authority. Accordingly, the FCA has omitted this restriction from the reproposed regulation.

6. Restrictions on Similar Entity Participations

No comments were received on proposed § 613.3300(d), and this paragraph has been redesignated as paragraph (c) in the reproposed regulation.

7. Funding Bank Approval

The FCA originally proposed a requirement that a direct lender association obtain approval from its funding bank before it could participate in a similar entity loan. The FCA further proposed that a request for approval from an association could only be denied for safety and soundness reasons affecting the bank.

The FCC, CoBank, and an FCS association supported proposed § 613.3000(e)(1). The FCC commented that its members support the paragraph as written because it provides adequate safeguards. One association believes that direct lenders should have maximum freedom to participate in similar entity loans without the regulation specifying funding bank approval.

The FCA redesignates proposed § 613.3300(e)(1) as reproposed § 613.3300(d)(1) without further revision. Further, reproposed § 613.33300(d)(1) directly implements the statutory requirement that an association obtain approval from its funding bank.

8. Territorial Concurrence

The FCA proposed that the out-of-territory concurrence requirements in § 614.4070 apply to all titles I and II institutions that participate with non-System lenders in loans to similar entities.

Ten System institutions supported FCA's territorial concurrence requirement, but many of these

commenters suggested some modifications to avoid unnecessary burdens. These commenters advised the FCA that the consent requirement could prove burdensome for titles I and II lenders when a similar entity has operations spread throughout several States. These commenters recommended that the FCA amend the regulation so it requires consent only from the FCS lender where the site of the similar entity's home office is located.

The FCB of Texas believes that the proposed territorial concurrence requirement is both appropriate and consistent with the Act, because there is no intrinsic difference between the operations of similar entities and eligible borrowers that justify different treatment.

Six System institutions opposed the territorial concurrence requirement in proposed § 613.3300(e)(2), because they believe operational matters are more appropriately addressed between respective banks and associations. Another FCS association believes that territorial concurrence should not be imported from § 614.4070 because it would impede the statutory mandate allowing similar entity participations and would not further any legitimate anti-competition policy. AgAmerica, FCB, does not believe that the territorial concurrence requirement in § 614.4070 should be extended to similar entity participations because Congress imposed concurrence requirements only between BCs and FCBs. Therefore, the commenter believes the regulation should not require titles I and II lenders to obtain any type of territorial concurrence from each other. One FCS association requested greater flexibility and recommended that institutions operating under joint management be allowed to offer products over the largest territory served by either association.

Several institutions also stated that a relationship with the original lender would be impaired if the association must seek the consent of other System institutions, because the originator usually has a very short time period to line up participants. However, another FCS association believes that FCS institutions generally should not be in competition with each other, because the System was created to serve the same specific public purpose. Many FCS commenters recommended that FCA address these intra-System competition issues at a later time and in a broader context. Some commenters suggested that a negotiated rulemaking be undertaken by the FCA.

After considering these comments, the FCA is persuaded that the territorial concurrence requirements between title I and II institutions for similar entity participations is not advisable. As noted by many commenters, the Act contains no territorial restriction on similar entity participations other than requiring consensual arrangements only between title I institutions and title III banks. Indeed, the Act indicates that the Congress granted this authority in order to assist System institutions in managing risk. Geographical diversity is a useful tool for agricultural lenders to reduce their concentration of risk, and a concurrence requirement could frustrate an institution's goal to achieve portfolio diversity.

Moreover, the policy reason for imposing the territorial concurrence requirement for eligible loans do not apply to participations in loans to ineligible borrowers. The concurrence requirement in § 614.4070 precludes a System lender from making a loan to an out-of-territory borrower who is the potential customer of another System institution without that institution's consent. When the borrower whose loan is the subject of the participation would not be eligible for a loan from the System institution serving the borrower's territory, this concern is not present. In other words, because the System lender has no authority to make the loan in the first instance, it has no claim to relinquish through territorial concurrence. Furthermore, since the amount of such participations is limited to 15 percent of the portfolio, competition for similar entity participations is not likely to have a serious adverse effect on any institution.

The FCA's decision is also influenced by the concern that a concurrence requirement could seriously impede the System's ability to use its new authority to participate in loans to similar entities. Institutions are often given only a brief opportunity to buy a participation in a transaction, and the delay resulting from seeking concurrence may effectively preclude involvement in the transaction. This outcome is even more likely when the participation involves an interest in a pool of loans covering a broad geographical territory and requires the consent of more than one System lender. For these reasons, the FCA has deleted the territorial concurrence requirement between titles I and II lenders in reproposed and redesignated § 613.3300(d), and the remaining paragraphs are renumbered accordingly.

9. Method of Approval

The FCA originally proposed that all approvals required by § 613.3300 could be granted on an annual basis and under such terms and conditions as the various FCS institutions may agree.

Eight System commenters encouraged FCA to promote the development of standing agreements between entities or even Systemwide agreements. CoBank recommended a standing agreement rather than annual agreements for various concurrences because the parties could develop parameters for all transactions.

The FCA believes that its original proposal provides FCS institutions with ample flexibility to develop agreements required by the Act. Agreements among System institutions can specify that consent by the FCS lender where the similar entity is located will suffice. No further FCA direction is needed at this time. The other approvals provided for in this paragraph are consistent with the statutory requirements. Therefore, proposed § 613.3300(e)(5) is reproposed and designated as § 613.3300(d)(4) without revision.

10. Borrower Rights

AgFirst and three FCS associations stated that § 613.3300(f) creates the potential for confusion because it deals with matters that are clearly set forth in the Act and otherwise in FCA regulations. In response to the commenters' concern, the FCA agrees and has deleted this section from the reproposed regulation.

11. Borrower Stock

Twenty-one FCS commenters requested deletion of proposed § 613.3300(g) because it creates the potential for confusion and deals with matters that are clearly set forth in the Act and otherwise in FCA regulations. All commenters also stated that it is not necessary to reflect in an institution's capitalization bylaws whether or not participation certificates are required for similar entity loans. Both the FCC and CoBank indicated that stockholder approval of revisions to the bylaws under these circumstances is excessive and costly.

The FCA noted in the preamble to the proposed rule that the requirements of this paragraph are consistent with section 4.3A of the Act and § 615.5220 of the FCA regulations. The FCA accepts the commenters justification for deleting this paragraph. However, a System institution must comply with section 4.3A of the Act if it needs to sell equities for similar entity participations to meet its capital requirements, but its current

bylaws do not already address this matter.

T. Other Proposed Amendments

The FCA received no comments on the proposed amendments to parts 614, 618, 619, and 626. These regulations, except for § 614.4222, are reproposed without revision. The proposal to amend § 614.4222 is withdrawn.

IV. Regulatory Impact and FCA Regulatory Philosophy

These reproposed regulations are consistent with the FCA Board's Policy Statement on Regulatory Philosophy and achieve the Board's objective of creating an environment that promotes the confidence of borrowers/shareholders, investors and the public in the System's financial strength and future viability. See 60 FR 26034, May 16, 1995. The objective of the reproposed revisions to the capital regulations is to establish standards that encourage the building of a sound capital structure in System institutions. The building of a sound capital structure at each institution would improve the likelihood of an institution's survival during periods of economic stress and thereby improve the safety and soundness of the System as a whole. The FCA believes that these reproposed regulations provide a meaningful measurement of capital adequacy and would be appropriate for all System institutions to which they would apply.

The capital provisions of this rule would apply to all System banks, associations, and the Leasing Corporation. During the last 5 years, most of these institutions have been steadily increasing both types of surplus identified by the reproposed regulations, and the FCA estimates that most, if not all, of the institutions would achieve the minimum standards in 7 years or less if these trends continue.

The reproposed amendments to the customer eligibility regulations would remove many of the existing restrictions that are not required by the Act or necessary to implement it. The objective of these reproposed provisions is to implement the Act's broad authority to finance the agricultural, aquatic, and other credit needs of *bona fide* farmers, ranchers, and aquatic producers or harvesters. These regulations respond to the concerns of commenters by balancing the rights of System and non-System lenders.

Most importantly, however, the reproposed regulations would permit the System to continue to fulfill its statutory mission of providing a dependable and competitive source of credit for American agriculture as it evolves in a rapidly changing market place.

List of Subjects

12 CFR Part 613

Agriculture, Banks, banking, Credit, Rural areas.

12 CFR Part 614

Agriculture, Banks, banking, Flood insurance, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 615

Accounting, Agriculture, Banks, banking, Government securities, Investments, Rural areas.

12 CFR Part 618

Agriculture, Archives and records, Banks, banking, Insurance, Reporting and recordkeeping requirements, Rural areas, Technical assistance.

12 CFR Part 619

Agriculture, Banks, banking, Rural areas.

12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 626

Advertising, Aged, Agriculture, Banks, banking, Civil rights, Credit, Fair housing, Marital status discrimination, Sex discrimination, Signs and symbols.

For the reasons stated in the preamble, parts 613, 614, 615, 618, 619, 620, and 626 of chapter VI, title 12 of the Code of Federal Regulations are proposed to be amended to read as follows:

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

1. The authority citation for part 613 is revised to read as follows:

Authority: Secs. 1.5, 1.7, 1.9, 1.10, 1.11, 2.2, 2.4, 2.12, 3.1, 3.7, 3.8, 3.22, 4.18A, 4.25, 4.26, 4.27, 5.9, 5.17 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2017, 2018, 2019, 2073, 2075, 2093, 2122, 2128, 2129, 2143, 2206a, 2211, 2212, 2213, 2243, 2252).

2. Subparts A, B, C, and D of part 613 are revised to read as follows:

Subpart A—Financing Under Titles I and II of the Farm Credit Act

Sec.

Subpart B—Financing for Banks Operating Under Title III of the Farm Credit Act

Subpart C—Similar Entity Authority Under Sections 3.1(11)(B) and 4.18A of the Act

Subpart A—Financing Under Titles I and II of the Farm Credit Act

§ 613.3000 Financing for farmers, ranchers, and aquatic producers or harvesters.

(a) *Definitions.* For purposes of this subpart, the following definitions apply:

(1) *Agricultural assets* means agricultural land including facilities and improvements thereon; livestock, machinery, equipment, working capital, chattel, and vessels that are used for agricultural or aquatic production; and the principal residence of an individual borrower who qualifies under paragraph (a)(3)(i) of this section.

(2) *Agricultural land* means land that is devoted to or available for the production of agricultural or aquatic products.

(3) *Bona fide farmer, rancher, or producer or harvester of aquatic products* means:

(i) An individual or legal entity that generates income by actively producing agricultural products, producing or harvesting aquatic products, managing an agricultural or aquatic operation, or an individual who is a retired farmer who owns agricultural land and assumes some portion of the production risk of a tenant; or

(ii) An individual or legal entity that owns agricultural land.

(4) *Individual* means a natural person who is either:

(i) A citizen of the United States; or

(ii) A foreign national who has been lawfully admitted into the United States for permanent residency pursuant to 8 U.S.C. 1101(a)(20) (permanent resident), or on a visa pursuant to a provision in 8 U.S.C. 1101(a)(15) (non-resident) that authorizes such individual to own property or operate or manage a business.

(5) *Legal entity* means any partnership, corporation, trust, estate, or other legal entity that is established pursuant to the laws of the United States, any State thereof, the Commonwealth of Puerto Rico, the District of Columbia, or any tribal authority and is legally authorized to conduct a business.

(b) *Eligible borrower.* A bona fide farmer, rancher, or producer or harvester of aquatic products is eligible

to borrow under either title I or II of the Act.

(c) *Financing for agricultural or aquatic needs.* A borrower who is eligible under paragraph (b) of this section may obtain financing for any agricultural or aquatic purpose.

(d) *Financing for other credit needs.*

(1) Individual eligible borrowers who are either citizens or permanent residents of the United States, and at a minimum satisfy the criteria of paragraph (a)(3)(i) of this section, may obtain financing for:

(i) Their housing and domestic needs; and

(ii) Other business needs in an amount that, at the time the loan is closed, does not exceed the market value of their agricultural or aquatic assets.

(2) Individual eligible borrowers who are non-resident foreign nationals and at a minimum satisfy the criteria of paragraph (a)(3)(i) of this section may obtain financing for their domestic needs and housing reasonably related to their agricultural or aquatic operations in the U.S.A.

(3) Individual borrowers who are eligible only under paragraph (a)(3)(ii) of this section may obtain financing for their housing and domestic needs in an amount that, at the time the loan is closed, does not exceed the market value of their agricultural or aquatic assets.

(4) A legal entity may obtain financing for its other credit needs in an amount that, at the time the loan is closed, does not exceed the market value of its agricultural assets, only if more than 50 percent of voting stock or equity of the borrowing legal entity is owned by individuals who comply with the requirements in paragraph (a)(3)(i) of this section and either:

(i) More than 50 percent of the assets of the borrowing legal entity is used in agricultural or aquatic production; or

(ii) More than 50 percent of the annual income of the borrowing legal entity is derived from agricultural or aquatic activities.

§ 613.3010 Financing for processing or marketing operations.

(a) *Eligible borrowers.* A borrower is eligible for financing for a processing or marketing operation under titles I and II of the Act, only if the borrower meets the following requirements:

(1) The borrower is either a bona fide farmer, rancher, or producer or harvester of aquatic products, or is a legal entity in which eligible borrowers under § 613.3000(b) own more than 50 percent of the voting stock or equity; and

(2) The borrower or an owner of the borrowing legal entity regularly produces some portion of the throughput used in the processing or marketing operation.

(b) *Portfolio restrictions for certain processing and marketing loans.* Processing or marketing loans to eligible borrowers who regularly supply less than 20 percent of the throughput are subject to the following restrictions:

(1) *Bank limitation.* The aggregate of such processing and marketing loans made by a Farm Credit bank shall not exceed 15 percent of all its outstanding retail loans at the end of the preceding fiscal year.

(2) *Association limitation.* The aggregate of such processing and marketing loans made by all direct lender associations affiliated with the same Farm Credit bank shall not exceed 15 percent of the aggregate of their outstanding retail loans at the end of the preceding fiscal year. Each Farm Credit bank, in conjunction with all its affiliated direct lender associations, shall ensure that such processing or marketing loans are equitably allocated among its affiliated direct lender associations.

(3) *Calculation of outstanding retail loans.* For the purposes of this paragraph, ''outstanding retail loans'' includes loans, loan participations, and other interests in loans that are either bought without recourse or sold with recourse.

§ 613.3020 Financing for farm-related service businesses.

(a) *Eligibility.* An individual or legal entity that furnishes farm-related services to farmers and ranchers that are directly related to their agricultural production is eligible to borrow from a Farm Credit bank or association that operates under titles I or II of the Act.

(b) *Purposes of financing.* A Farm Credit Bank, agricultural credit bank, or direct lender association may finance:

(1) All of the farm-related business activities of an eligible borrower who derives more than 50 percent of its annual income (as consistently measured on either a gross sales or net sales basis) from furnishing farm-related services that are directly related to the agricultural production of farmers and ranchers; or

(2) Only the farm-related services activities of an eligible borrower who derives 50 percent or less of its annual income (as consistently measured on either a gross sales or net sales basis) from furnishing farm-related services that are directly related to the agricultural production of farmers and ranchers.

§ 613.3030 Rural home financing.

(a) *Definitions.*

(1) *Rural homeowner* means an individual who is not a bona fide farmer, rancher, or producer or harvester of aquatic products.

(2) *Rural home* means a single-family moderately priced dwelling located in a rural area that will be the occupant's principal residence.

(3) *Rural area* means open country within a State or the Commonwealth of Puerto Rico, which may include a town or village that have a population of not more than 2,500 persons.

(4) *Moderately priced* means the price of any rural home that either:

(i) Satisfies the criteria in section 8.0 of the Act pertaining to rural home loans that collateralize securities that are guaranteed by the Federal Agricultural Mortgage Corporation; or

(ii) Is below the 75th percentile of housing values for the rural area where it is located, as determined by data from a credible, independent, and recognized national or regional source, such as a Federal, State, or local government agency, or an industry source.

(b) *Eligibility.* Any rural homeowner is eligible to obtain financing on a rural home. No borrower shall have a loan from the Farm Credit System on more than one rural home at any one time.

(c) *Purposes of financing.* Loans may be made to rural homeowners for the purpose of buying, building, remodeling, improving, repairing rural homes, and refinancing existing indebtedness thereon.

(d) *Portfolio limitations.* (1) The aggregate of retail rural home loans by any Farm Credit Bank or agricultural credit bank shall not exceed 15 percent of the total of all of its outstanding loans at any one time.

(2) The aggregate of rural home loans made by each direct lender association shall not exceed 15 percent of the total of its outstanding loans at the end of its preceding fiscal year, except with the prior approval of its funding bank.

(3) The aggregate of rural home loans made by all direct lender associations that are funded by the same Farm Credit bank shall not exceed 15 percent of the total outstanding loans of all such associations at the end of the funding bank's preceding fiscal year.

Subpart B—Financing for Banks Operating Under Title III of the Farm Credit Act

§ 613.3100 Domestic lending.

(a) *Definitions.* For purposes of this subpart, the following definitions apply:

(1) *Cooperative* means any association of farmers, ranchers, producers or

harvesters of aquatic products, or any federation of such associations, or a combination of such associations and farmers, ranchers, or producers or harvesters of aquatic products that conducts business for the mutual benefit of its members and has the power to:

(i) Process, prepare for market, handle, or market farm or aquatic products;

(ii) Purchase, test, grade, process, distribute, or furnish farm or aquatic supplies; or

(iii) Furnish business and financially related services to its members.

(2) *Farm or aquatic supplies and farm or aquatic business services* are any goods or services normally used by farmers, ranchers, or producers and harvesters of aquatic products in their business operations, or to improve the welfare or livelihood of such persons.

(3) *Public utility* means a cooperative or other entity that is licensed under Federal, State, or local law to provide electric, telecommunication, cable television, water, or waste treatment services.

(4) *Rural area* means all territory of a State that is not within the outer boundary of any city or town having a population of more than 20,000 inhabitants based on the latest decennial census of the United States.

(5) *Service cooperative* means a cooperative that is involved in providing business and financially related services (other than public utility services) to farmers, ranchers, aquatic producers or harvesters, or their cooperatives.

(b) *Cooperatives and other entities that serve agricultural or aquatic producers.*—(1) *Eligibility of cooperatives.* A bank for cooperatives or an agricultural credit bank may lend to a cooperative that satisfies the following requirements:

(i) Unless the bank's board of directors establishes by resolution a higher voting control threshold for any type of cooperative, the percentage of voting control of the cooperative held by farmers, ranchers, producers or harvesters of aquatic products, or cooperatives shall be 80 percent except:

(A) Sixty (60) percent for a service cooperative;

(B) Sixty (60) percent for local farm supply cooperatives that have historically served the needs of a community that would not be adequately served by other suppliers and have experienced a reduction in the percentage of membership by agricultural or aquatic producers due to changed circumstances beyond their control; and

(C) Sixty (60) percent for local farm supply cooperatives that provide or will provide needed services to a community, and are or will be in competition with a cooperative specified in § 613.3100(b)(1)(i)(B);

(ii) The cooperative deals in farm or aquatic products, or products processed therefrom, farm or aquatic supplies, farm or aquatic business services, or financially related services with or for members in an amount at least equal in value to the total amount of such business it transacts with or for non-members, excluding from the total of member and non-member business, transactions with the United States, or any agencies or instrumentalities thereof, or services or supplies furnished by a public utility; and

(iii) The cooperative complies with one of the following two conditions:

(A) No member of the cooperative shall have more than one vote because of the amount of stock or membership capital owned therein; or

(B) The cooperative restricts dividends on stock or membership capital to 10 percent per year or the maximum percentage per year permitted by applicable State law, whichever is less.

(iv) Any cooperative that has received a loan from a bank for cooperatives or an agricultural credit bank shall, without regard to the requirements in paragraph (b)(1)(i) of this section, continue to be eligible for as long as more than 50 percent (or such higher percentage as is established by the bank board) of the voting control of the cooperative is held by farmers, ranchers, producers or harvesters of aquatic products, or other eligible cooperatives.

(2) *Other eligible entities.* The following entities are eligible to borrow from banks for cooperatives and agricultural credit banks:

(i) Any legal entity that holds more than 50 percent of the voting control of a cooperative that is an eligible borrower under paragraph (b)(1) of this section and uses the proceeds of the loan to fund the activities of its cooperative subsidiary on the terms and conditions specified by the bank;

(ii) Any legal entity in which an eligible cooperative has an ownership interest, *provided that* if such interest is less than 50 percent, financing shall not exceed the percentage that the eligible cooperative owns in such entity multiplied by the value of the total assets of such entity; or

(iii) Any creditworthy private entity operated on a non-profit basis that satisfies the requirements for a service cooperative and complies with the requirements of either paragraphs (b)(1)(i)(A) and (b)(1)(iii) of this section, or paragraph (b)(1)(iv) of this section, and any subsidiary of such entity. An entity that is eligible to borrow under this paragraph shall be organized to benefit agriculture in furtherance of the welfare of the farmers, ranchers, and aquatic producers or harvesters who are its members.

(c) *Electric and telecommunication utilities.*—(1) *Eligibility.* A bank for cooperatives or an agricultural credit bank may lend to:

(i) Electric and telephone cooperatives as defined by section 3.8(a)(4)(A) of the Act that satisfy the eligibility criteria in paragraph (b)(1) of this section;

(ii) Cooperatives and other entities that:

(A) Have received a loan, loan commitment, insured loan, or loan guarantee from the Rural Utilities Service of the United States Department of Agriculture to finance rural electric and telecommunication services;

(B) Have received a loan or a loan commitment from the Rural Telephone Bank of the United States Department of Agriculture; or

(C) Are eligible under the Rural Electrification Act of 1936, as amended, for a loan, loan commitment, or loan guarantee from the Rural Utilities Service or the Rural Telephone Bank.

(iii) The subsidiaries of cooperatives or other entities that are eligible under paragraph (c)(1)(ii) of this section.

(iv) Any legal entity that holds more than 50 percent of the voting control of any public utility that is an eligible borrower under paragraph (c)(1)(ii) of this section, and uses the proceeds of the loan to fund the activities of the eligible subsidiary on the terms and conditions specified by the bank.

(v) Any legal entity in which an eligible utility under paragraph (c)(1)(ii) of this section has an ownership interest, provided that if such interest is less than 50 percent, financing shall not exceed the percentage that the eligible utility owns in such entity multiplied by the value of the total assets of such entity.

(2) *Purposes for financing.* A bank for cooperatives or agricultural credit bank may extend credit to entities that are eligible to borrow under paragraph (c)(1) of this section in order to provide electric or telecommunication services in a rural area. A subsidiary that is eligible to borrow under paragraph (c)(1)(iii) of this section may also obtain financing from a bank for cooperatives or agricultural credit bank to operate a licensed cable television utility.

(d) *Water and waste disposal facilities.*—(1) *Eligibility.* A cooperative or a public agency, quasi-public agency,

body, or other public or private entity that, under the authority of State or local law, establishes and operates water and waste disposal facilities in a rural area, as that term is defined by paragraph (a)(5) of this section, is eligible to borrow from a bank for cooperatives or an agricultural credit bank.

(2) *Purposes for financing.* A bank for cooperatives or agricultural credit bank may extend credit to entities that are eligible under paragraph (d)(1) of this section solely for installing, maintaining, expanding, improving, or operating water and waste disposal facilities in rural areas.

(e) *Domestic lessors.* A bank for cooperatives or agricultural credit bank may lend to domestic parties to finance the acquisition of facilities or equipment that will be leased to shareholders of the bank for use in their operations located inside of the United States.

§ 613.3200 International lending.

(a) *Definition.* For the purpose of this section only, the term ''farm supplies'' refers to inputs that are used in a farming or ranching operation, but excludes agricultural processing equipment, machinery used in food manufacturing or other capital goods which are not used in a farming or ranching operation.

(b) *Import transactions.* The following parties are eligible to borrow from a bank for cooperatives or an agricultural credit bank pursuant to section 3.7(b) of the Act for the purpose of financing the import of agricultural commodities or products therefrom, aquatic products, and farm supplies into the United States:

(1) An eligible cooperative as defined by § 613.3100(b);

(2) A counterparty with respect to a specific import transaction with a voting stockholder of the bank for the substantial benefit of the shareholder; and

(3) Any foreign or domestic legal entity in which eligible cooperatives hold an ownership interest.

(c) *Export transactions.* Pursuant to section 3.7(b)(2) of the Act, a bank for cooperatives or an agricultural credit bank is authorized to finance the export (including the cost of freight) of agricultural commodities or products therefrom, aquatic products, or farm supplies from the United States to any foreign country. The board of directors of each bank for cooperatives and agricultural credit bank shall adopt policies that ensure that exports of agricultural products and commodities, aquatic products, and farm supplies which originate from eligible cooperatives are financed on a priority basis. The total amount of balances outstanding on loans made under this paragraph shall not, at any time, exceed 50 percent of the capital of any bank for cooperatives or agricultural credit bank for loans that:

(1) Finance the export of agricultural commodities and products therefrom, aquatic products, or farm supplies that are not originally sourced from an eligible cooperative; and

(2) At least 95 percent of the loan amount is not guaranteed by a department, agency, bureau, board, or commission of the United States or a corporation that is wholly owned directly or indirectly by the United States.

(d) *International business operations.* A bank for cooperatives or an agricultural credit bank may finance a domestic or foreign entity which is at least partially owned by eligible cooperatives described in § 613.3100(b), and facilitates the international business operations of such cooperatives.

(e) *Restrictions.* (1) When eligible cooperatives own less than 50 percent of a foreign or domestic legal entity, the amount of financing that a bank for cooperatives or agricultural credit bank may provide to the entity for imports, exports, or international business operations shall not exceed the percentage of ownership that eligible cooperatives hold in such entity multiplied by the value of the total assets of such entity; and

(2) A bank for cooperatives or agricultural credit bank shall not finance the relocation of any plant or facility from the United States to a foreign country.

Subpart C—Similar Entity Authority Under Sections 3.1(11)(B) and 4.18A of the Act

§ 613.3300 Participations and other interests in loans to similar entities.

(a) *Definitions.*

(1) *Participate* and *participation,* for the purpose of this section, refer to multi-lender transactions, including syndications, assignments, loan participations, subparticipations, other forms of the purchase, sale, or transfer of interests in loans, or other extensions of credit, or other technical and financial assistance.

(2) *Similar entity* means a party that is ineligible for a loan from a Farm Credit bank or association, but has operations that are functionally similar to the activities of eligible borrowers in that a majority of its income is derived from, or a majority of its assets are invested in, the conduct of activities that are performed by eligible borrowers.

(b) *Similar entity transactions.* A Farm Credit bank or a direct lender association may participate with a lender that is not a Farm Credit System institution in loans to a similar entity that is not eligible to borrow directly under §§ 613.3000, 613.3010, 613.3020, 613.3100, or 613.3200, for purposes similar to those for which an eligible borrower could obtain financing from the participating FCS institution.

(c) *Restrictions.* Participations by a Farm Credit bank or association in loans to a similar entity under this section are subject to the following limitations:

(1) *Lending limits.*

(i) *Farm Credit banks operating under title I of the Act and direct lender associations.* The total amount of all loan participations that any Farm Credit Bank, agricultural credit bank, or direct lender association has outstanding under paragraph (b) of this section to a single credit risk shall not exceed:

(A) Ten (10) percent of its total capital; or

(B) Twenty-five (25) percent of its total capital if a majority of the shareholders of the respective Farm Credit bank or direct lender association so approve.

(ii) *Farm Credit banks operating under title III of the Act.* The total amount of all loan participations that any bank for cooperative or agricultural credit bank has outstanding under paragraph (b) of this section to a single credit risk shall not exceed 10 percent of its total capital;

(2) *Percentage held in the principal amount of the loan.* The participation interest in the same loan held by one or more Farm Credit bank(s) or association(s) shall not, at any time, equal or exceed 50 percent of the principal amount of the loan; and

(3) *Portfolio limitations.* The total amount of participations that any Farm Credit bank or direct lender association has outstanding under paragraph (b) of this section shall not exceed 15 percent of its total outstanding assets at the end of its preceding fiscal year.

(d) *Approval by other Farm Credit System institutions.* (1) No direct lender association shall participate in a loan to a similar entity under paragraph (b) of this section without the approval of its funding bank. A funding bank shall deny such requests only for safety and soundness reasons affecting the bank.

(2) No Farm Credit Bank or direct lender association shall participate in a loan to a similar entity that is eligible to borrow under § 613.3100(b) without the prior approval of the bank for cooperatives or agricultural credit bank

that, at the time the loan is made, has the greatest volume of loans made under title III of the Act in the State where the headquarters office of the similar entity is located.

(3) No bank for cooperatives or agricultural credit bank shall participate in a loan to a similar entity that is eligible to borrow under §§ 613.3010 or 613.3020 without the prior consent of the Farm Credit Bank(s) in whose chartered territory the similar entity conducts operations.

(4) All approvals required under paragraph (d) of this section may be granted on an annual basis and under such terms and conditions as the various Farm Credit System institutions may agree.

Subpart E—Nondiscrimination in Lending

§§ 613.3145, 613.3150, 613.3151, 613.3152, 613.3160, 613.3170, 613.3175 (Subpart E) [Redesignated]

3. Subpart E of part 613, consisting of §§ 613.3145, 613.3150, 613.3151, 613.3152, 613.3160, 613.3170, and 613.3175 is redesignated as new part 626, consisting of §§ 626.6000, 626.6005, 626.6010, 626.6015, 626.6020, 626.6025, and 626.6030 respectively.

PART 614—LOAN POLICIES AND OPERATIONS

4. The authority citation for part 614 is revised to read as follows:

Authority: 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128; secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E, 4.18, 4.18A, 4.19, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.7, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2019, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2096, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2199, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2206a, 2207, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a-2, 2279b, 2279b-1, 2279b-2, 2279f, 2279f-1, 2279aa, 2279aa-5); sec. 413 of Pub. L. 100–233, 101 Stat. 1568, 1639; sec. 207 of Pub. L. 104–105, 110 Stat. 162.

Subpart A—[Amended]

5. Subpart A of part 614 is amended by removing the reference ''613.3020'' each place it appears and adding in its place ''613.3000''; by removing the reference ''613.3045'' each place it appears and adding in its place ''613.3010''; by removing the reference ''613.3040'' each place it appears and adding in its place ''613.3030''; by removing the reference ''613.3050'' each place it appears and adding in its place ''613.3020''; by removing the reference ''613.3110'' each place it appears and adding in its place ''613.3100(b)(1)''; and by removing the reference ''613.3110(c)'' each place it appears and adding in its place ''613.3100(b)(2), (c) and (d)''.

6. Section 614.4010 is amended by removing the words ''export or'' each place they appear in paragraphs (d)(4) and (d)(5); by removing the reference ''(d)(3)'' and adding in its place ''(d)(4)'' in paragraph (d)(5); and by adding new paragraphs (d)(6) and (d)(7) to read as follows.

§ 614.4010 Agricultural credit banks.

* * * * *

(d) * * *

* * * * *

(6) Any party, subject to the requirements in § 613.3200(c) of this chapter, for the export (including the cost of freight) of agricultural commodities or products therefrom, aquatic products, or farm supplies from the United States to any foreign country, in accordance with § 614.4233 and subpart Q of this part 614; and

(7) Domestic or foreign parties in which eligible cooperatives, as defined in § 613.3100 of this chapter, hold an ownership interest, for the purpose of facilitating the international business operations of such cooperatives pursuant to the requirements of § 613.3200(d) and (e) of this chapter.

* * * * *

7. Section 614.4020 is amended by removing the words ''export or'' each place they appear in paragraphs (a)(4) and (a)(5); by adding after the words ''bank's board'', the reference '', § 614.4233,'' in paragraph (a)(4); by removing the words ''board policy'' and adding in their place, the words ''policies of the bank's board, § 614.4233,'' in paragraph (a)(5); and by adding new paragraphs (a)(6) and (a)(7) to read as follows:

§ 614.4020 Banks for cooperatives.

(a) * * *

* * * * *

(6) Any party, subject to the requirements in § 613.3200(c) of this chapter, for the export (including the cost of freight) of agricultural commodities or products therefrom, aquatic products, or farm supplies from the United States to any foreign country, in accordance with § 614.4233 and subpart Q of this part 614; and

(7) Domestic or foreign parties in which eligible cooperatives, as defined in § 613.3100 of this chapter, hold an ownership interest, for the purpose of facilitating the international business operations of such cooperatives pursuant to the requirements in § 613.3200(d) and (e) of this chapter.

* * * * *

Subpart E—Loan Terms and Conditions

8. Section 614.4233 is amended by revising the introductory paragraph to read as follows:

§ 614.4233 International loans.

Term loans made by banks for cooperatives and agricultural credit banks under the authority of section 3.7(b) of the Act and § 613.3200 of this chapter to foreign or domestic parties who are not shareholders of the bank shall be subject to following conditions:

* * * * *

Subpart P—Farm Credit Bank and Agricultural Credit Bank Financing of Other Financing Institutions

§ 614.4610 [Amended]

9. Section 614.4610 is amended by removing the words ''an association in the district'' and adding in their place, the words ''any association funded by the bank'' in the first sentence and removing the reference ''§ 613.3040(d)(2)'' and adding in its place the reference ''§§ 613.3010(b)(1) and 613.3030(d)''.

Subpart Q—Banks for Cooperatives Financing International Trade

10. The heading for subpart Q is amended by adding after the words ''Banks for Cooperatives'' the words ''and Agricultural Credit Banks''.

§ 614.4700 [Amended]

11. Section 614.4700 is amended by adding after the words ''banks for cooperatives'' the words ''and agricultural credit banks'' each place they appear in paragraphs (a), introductory text, (b), and (h).

§ 614.4710 [Amended]

12. Section 614.4710 is amended by adding after the words ''banks for cooperatives'' the words ''and agricultural credit banks'' each place they appear in the introductory paragraph and paragraph (c); by adding after the words ''bank for cooperatives''' the words ''or agricultural credit bank's'' in paragraph (a)(1)(ii); by adding after the words ''bank for cooperatives'' the words ''or an agricultural credit bank'' each place they appear in paragraphs (a)(1), (a)(1)(i), (a)(3), (a)(5) and (b)(1).

§ 614.4720 [Amended]

13. Section 614.4720 is amended by adding after the words ''Banks for cooperatives'' the words ''and

agricultural credit banks'' in the first sentence of the introductory paragraph.

§ 614.4800 [Amended]

14. Section 614.4800 is amended by adding after the words ''A bank for cooperatives'' the words ''or an agricultural credit bank'' in the first sentence.

§ 614.4810 [Amended]

15. Section 614.4810 is amended by adding after the words ''banks for cooperatives'' the words ''and agricultural credit banks'' each place they appear in paragraphs (a), introductory text, and (b).

§ 614.4900 [Amended]

16. Section 614.4900 is amended by adding after the words ''a bank for cooperatives'' the words ''or an agricultural credit bank'' each place they appear in paragraphs (a) through (d); and by adding after the words ''banks for cooperatives'' the words ''and agricultural credit banks'' in the first sentence of paragraph (i).5

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

17. The authority citation for part 615 continues to read as follows:

Authority: Secs. 1.5, 1.7, 1.10, 1.11, 1.12, 2.2, 2.3, 2.4, 2.5, 2.12, 3.1, 3.7, 3.11, 3.25, 4.3, 4.3A, 4.9, 4.14B, 4.25, 5.9, 5.17, 6.20, 6.26, 8.0, 8.4, 8.6, 8.7, 8.8, 8.10, 8.12 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2018, 2019, 2020, 2073, 2074, 2075, 2076, 2093, 2122, 2128, 2132, 2146, 2154, 2154a, 2160, 2202b, 2211, 2243, 2252, 2278b, 2278b–6, 2279aa, 2279aa–4, 2279aa–6, 2279aa–7, 2279aa–8, 2279aa–10, 2279aa–12); sec. 301(a) of Pub. L. 100–233, 101 Stat. 1568, 1608; sec. 105 of Pub. L. 104–105, 110 Stat. 162, 163–64.

Subpart H—Capital Adequacy

§ 615.5201 [Amended]

18. Section 615.5201 is amended by adding the words ''Federal land credit association,'' after the words ''Federal land bank association,''; and by removing the words ''National Bank for Cooperatives,'' and adding in their place, the words ''agricultural credit bank,'' in paragraph (g).

19. Section 615.5205 is revised to read as follows:

§ 615.5205 Minimum permanent capital standards.

Each Farm Credit System institution shall at all times maintain permanent capital at a level of at least 7 percent of its risk-adjusted asset base.

20. Section 615.5210 is amended by removing paragraphs (f)(2)(i)(D) and (f)(2)(v)(D); redesignating paragraph (f)(2)(v)(E) as new paragraph (f)(2)(v)(D); adding a new paragraph (e)(2)(ii)(G)(*10*); and revising paragraphs (e)(2)(ii)(G)(*7*) and (f)(2)(i)(C) to read as follows:

§ 615.5210 Computation of the permanent capital ratio.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(G) * * *

(*7*) Each institution shall deduct from its total capital an amount equal to any goodwill.

* * * * *

(*10*) The permanent capital of an institution shall exclude the net impact of unrealized holding gains or losses on available-for-sale securities.

(f) * * *

(2) * * *

(i) * * *

(C) Goodwill.

* * * * *

§ 615.5216 [Removed and reserved]

21. Section 615.5216 is removed and reserved.

Subpart I—Issuance of Equities

§ 615.5220 [Amended]

22. Section 615.5220 is amended by removing paragraph (f), redesignating existing paragraphs (g), (h), and (i) as paragraphs (f), (g), and (h), respectively; removing the words ''may be more than, but'' each place they appear in paragraphs (d) and (e); by adding the words '', agricultural credit banks (with respect to loans other than to cooperatives),'' after the words ''For Farm Credit Banks'' in paragraph (d); by adding the words ''and agricultural credit banks (with respect to loans to cooperatives)'' after the words ''For banks for cooperatives'' in paragraph (e); and by removing the words ''(including interim standards)'' in newly designated paragraph (f).

§ 615.5230 [Amended]

23. Section 615.5230 is amended by removing the words ''preferred stock to be issued to the Farm Credit System Financial Assistance Corporation and'' in paragraph (b)(1).

24. Section 615.5240 is amended by removing paragraph (b); redesignating the introductory paragraph and paragraph (a) introductory text as paragraphs (a) and (b) introductory text, respectively; adding a new paragraph (c); and revising newly designated paragraph (a) to read as follows:

§ 615.5240 Permanent capital requirements.

(a) The capitalization bylaws shall enable the institution to meet the minimum permanent capital adequacy standards established under subparts H and K of this part and the total capital requirements established by the board of directors of the institution.

* * * * *

(c) An institution's board of directors may delegate to management the decision whether to retire borrower stock, provided that:

(1) The institution's permanent capital ratio will be in excess of 9 percent after any such retirements;

(2) The institution meets and maintains all applicable minimum surplus and collateral standards;

(3) Any such retirements are in accordance with the institution's capital adequacy plan or capital restoration plan; and

(4) The aggregate amount of stock purchases, retirements, and the net effect of such activities are reported to the board of directors each quarter.

§ 615.5250 [Amended]

25. Section 615.5250 is amended by removing paragraph (c); redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively; by removing the words ''(including interim standards)'' in paragraphs (a)(4)(ii) and newly designated (c)(3); and by removing the words '', including interim standards'' in paragraph (a)(4)(iii).

Subpart J—Retirement of Equities

§ 615.5260 [Amended]

26. Section 615.5260 is amended by adding the word ''or'' at the end of paragraph (a)(2)(i); removing ''; or'' at the end of paragraph (a)(2)(ii) and inserting a period in its place; and by removing paragraphs (a)(2)(iii) and (d).

§ 615.5270 [Amended]

27. Section 615.5270 is amended by removing the words ''(including interim standards)'' in paragraph (b).

28. Subpart K is revised to read as follows:

Subpart K—Surplus and Collateral Requirements

Sec.

Subpart K—Surplus and Collateral Requirements

§ 615.5301 Definitions.

For the purposes of this subpart, the following definitions shall apply:

(a) The terms *institution, permanent capital, risk-adjusted asset base,* and *total capital* shall have the meanings set forth in § 615.5201.

(b) *Core surplus.*

(1) Core surplus includes:

(i) Undistributed earnings/unallocated surplus;

(ii) Perpetual common or noncumulative perpetual preferred stock that is not retired according to an established plan or practice, *provided that,* in the event that stock held by a borrower is retired, other than as required by section 4.14B of the Act or as a part of a *pro rata* retirement of all stock of the same class or series that was issued in the same year as the retired stock, the remaining perpetual stock shall be excluded from core surplus.

(iii) Nonqualified allocated equities that are not distributed according to an established plan or practice, *provided that,* in the event that a nonqualified patronage allocation is distributed, other than as required by section 4.14B of the Act or as a part of a pro rata distribution of nonqualified allocations that were allocated in the same year as the distributed allocation, the remaining nonqualified allocations will be excluded from core surplus.

(iv) A newly developed or modified capital instrument or a particular balance sheet entry or account that the Farm Credit Administration has determined to be the functional equivalent of a component of core surplus. The Farm Credit Administration may permit one or more institutions to include all or a portion of such instrument, entry, or account as core surplus, permanently, or on a temporary basis, for purposes of this subpart.

(2) Core surplus shall not include equities held by other System institutions.

(3) The net impact of unrealized holding gains or losses on available-for-sale securities shall be excluded from core surplus.

(4) The Farm Credit Administration may, if it finds that a particular component, balance sheet entry, or account has characteristics or terms that diminish its contribution to an institution's ability to absorb losses, require the deduction of all or a portion of such component, entry, or account from core surplus.

(c) *Net collateral* means the value of a bank's collateral as defined by § 615.5050 (except that eligible investments as described in § 615.5140 are to be valued at their amortized cost), less an amount equal to that portion of the allocated investments of affiliated associations that is not counted as permanent capital by the bank.

(d) *Net collateral ratio* means a bank's net collateral, divided by the bank's total liabilities.

(e) *Net investment in the bank* means the total investment by an association in its affiliated bank, less reciprocal investments and investments resulting from a loan originating/service agency relationship, including participations.

(f) *Nonqualified allocated equities* means allocations of earnings that are not deducted from the gross taxable income of the allocating institution at the time of allocation.

(g) *Perpetual stock or equity* means stock or equity not having a maturity date, not redeemable at the option of the holder, and having no other provisions that will require the future redemption of the issue.

(h) *Total surplus* means:

(1) Undistributed earnings/ unallocated surplus;

(2) Allocated equities, including allocated surplus and stock which, if subject to revolvement, have a revolvement of not less than 5 years and are eligible to be included in permanent capital pursuant to § 615.5201(j)(4)(iv); and

(3) Stock that is not purchased or held as a condition of obtaining a loan, provided that it is either perpetual stock or term stock with an original maturity of at least 5 years, and provided that the institution has no established plan or practice of retiring such perpetual stock or of retiring such term stock prior to its stated maturity. The amount of term stock that is eligible to be included in total surplus shall be reduced by 20 percent in each of the last 5 years of the life of the instrument.

The total surplus of an institution shall exclude the net impact of unrealized holding gains or losses on available-for-sale securities.

§ 615.5330 Minimum surplus ratios.

(a) *Total surplus.* Each institution shall achieve and maintain a ratio of at least 7 percent of total surplus to the risk-adjusted asset base.

(b) *Core surplus.*

(1) Each institution shall achieve and maintain a ratio of core surplus to the risk-adjusted asset base of at least 3.5 percent.

(2) Each association shall compute its core surplus ratio by deducting an amount equal to the net investment in its affiliated Farm Credit bank from both its core surplus and its risk-adjusted asset base.

(c) An institution shall compute its total surplus and core surplus ratios as of the end of each month.

§ 615.5335 Bank net collateral ratio.

(a) Each bank shall achieve and maintain a net collateral ratio of at least 103 percent.

(b) A bank shall compute its net collateral ratio as of the end of each month.

§ 615.5336 Reporting and compliance.

(a) *Reporting and noncompliance.* An institution that falls below any applicable minimum surplus or collateral standard shall report its noncompliance to the Farm Credit Administration within 20 calendar days following the monthend that the institution initially determines that it is not in compliance with the standard.

(b) *Initial institution compliance requirements.* Each institution that fails to satisfy any of its minimum applicable surplus and net collateral ratios upon the effective date of these regulations shall submit a capital restoration plan for achieving and maintaining the standards, demonstrating appropriate annual progress toward meeting the goal, to the Farm Credit Administration within 60 days of the effective date of the regulations. If the capital restoration plan is not approved by the Farm Credit Administration, the Agency shall inform the institution of the reasons for disapproval, and the association shall submit a revised capital restoration plan within the time specified by the Farm Credit Administration.

(c) *Approval of compliance plans.* In determining whether to approve a capital restoration plan submitted under this section, the FCA shall consider the following factors, as applicable:

(1) The conditions or circumstances leading to the institution's falling below minimum levels (and whether or not they were caused by actions of the institution or were beyond the institution's control);

(2) The exigency of those circumstances or potential problems;

(3) The overall condition, management strength, and future prospects of the institution and, if applicable, affiliated System institutions;

(4) The institution's capital, adverse assets (including nonaccrual and nonperforming loans), allowance for loss, and other ratios compared to the ratios of its peers or industry norms;

(5) How far an institution's ratios are below the minimum requirements;

(6) The estimated rate at which the institution can reasonably be expected to generate additional earnings;

(7) The effect of the business changes required to increase capital;

(8) The institution's previous compliance practices, as appropriate;

(9) The views of the institution's directors and senior management regarding the plan; and

(10) Any other facts or circumstances that the FCA deems relevant.

(d) *Initial compliance.* An institution that fails to meet either or both of the minimum applicable surplus ratios or net collateral ratio established in § 615.5330 on the effective date of such section shall be deemed to be in compliance with such section, *provided that* the institution is in compliance with a capital restoration plan that is approved by the Farm Credit Administration within 180 days of the effective date of these regulations.

(e) *Noncompliance.* An institution that has met the minimum applicable surplus ratios and net collateral ratio established in § 615.5330 on or after the effective date of this section and subsequently falls below one or more minimum ratios shall be in violation of § 615.5330.

29. Subparts L and M are added to read as follows:

Subpart L—Establishment of Minimum Capital Ratios for an Individual Institution

Sec.

Subpart M—Issuance of a Capital Directive

Subpart L—Establishment of Minimum Capital Ratios for an Individual Institution

§ 615.5350 General—Applicability.

(a) The rules and procedures specified in this subpart are applicable to a proceeding to establish required minimum capital ratios that would otherwise be applicable to an institution under §§ 615.5205, 615.5330, and 615.5335. The Farm Credit Administration is authorized to establish such minimum capital requirements for an institution as the Farm Credit Administration, in its discretion, deems to be necessary or appropriate in light of the particular circumstances of the institution. Proceedings under this subpart also may be initiated to require an institution having capital ratios greater than those set forth in §§ 615.5205, 615.5330, or 615.5335 to continue to maintain those higher ratios.

(b) The Farm Credit Administration may require higher minimum capital ratios for an individual institution in view of its circumstances. For example, higher capital ratios may be appropriate for:

(1) An institution receiving special supervisory attention;

(2) An institution that has, or is expected to have, losses resulting in capital inadequacy;

(3) An institution with significant exposure due to operational risk, interest rate risk, the risks from concentrations of credit, certain risks arising from other products, services, or related activities, or management's overall inability to monitor and control financial risks presented by concentrations of credit and related services activities;

(4) An institution exposed to a high volume of, or particularly severe, problem loans;

(5) An institution that is growing rapidly; or

(6) An institution that may be adversely affected by the activities or condition of System institutions with which it has significant business relationships or in which it has significant investments.

§ 615.5351 Standards for determination of appropriate individual institution minimum capital ratios.

The appropriate minimum capital ratios for an individual institution cannot be determined solely through the application of a rigid mathematical formula or wholly objective criteria. The decision is necessarily based in part on subjective judgment grounded in Agency expertise. The factors to be considered in the determination will vary in each case and may include, for example:

(a) The conditions or circumstances leading to the Farm Credit Administration's determination that higher minimum capital ratios are appropriate or necessary for the institution;

(b) The exigency of those circumstances or potential problems;

(c) The overall condition, management strength, and future prospects of the institution and, if applicable, affiliated institutions;

(d) The institution's capital, adverse assets (including nonaccrual and nonperforming loans), allowance for loss, and other ratios compared to the ratios of its peers or industry norms; and

(e) The views of the institution's directors and senior management.

§ 615.5352 Procedures.

(a) *Notice.* When the Farm Credit Administration determines that minimum capital ratios greater than those set forth in §§ 615.5205, 615.5330, or 615.5335 are necessary or appropriate for a particular institution, the Farm Credit Administration will notify the institution in writing of the proposed minimum capital ratios and the date by which they should be reached (if applicable) and will provide an explanation of why the ratios proposed are considered necessary or appropriate for the institution.

(b) *Response.*

(1) The institution may respond to any or all of the items in the notice. The response should include any matters which the institution would have the Farm Credit Administration consider in deciding whether individual minimum capital ratios should be established for the institution, what those capital ratios should be, and, if applicable, when they should be achieved. The response must be in writing and delivered to the designated Farm Credit Administration official within 30 days after the date on which the institution received the notice. In its discretion, the Farm Credit Administration may extend the time period for good cause. The Farm Credit Administration may shorten the time period with the consent of the institution or when, in the opinion of the Farm Credit Administration, the condition of the institution so requires, provided that the institution is informed promptly of the new time period.

(2) Failure to respond within 30 days or such other time period as may be specified by the Farm Credit Administration shall constitute a waiver of any objections to the proposed minimum capital ratios or the deadline for their achievement.

(c) *Decision.* After the close of the institution's response period, the Farm Credit Administration will decide, based on a review of the institution's response and other information concerning the institution, whether individual minimum capital ratios should be established for the institution and, if so, the ratios and the date the requirements will become effective. The institution will be notified of the decision in writing. The notice will include an explanation of the decision, except for a decision not to establish individual minimum capital requirements for the institution.

(d) *Submission of plan.* The decision may require the institution to develop and submit to the Farm Credit Administration, within a time period specified, an acceptable plan to reach

the minimum capital ratios established for the institution by the date required.

(e) *Reconsideration based on change in circumstances.* If, after the Farm Credit Administration's decision in paragraph (c) of this section, there is a change in the circumstances affecting the institution's capital adequacy or its ability to reach the required minimum capital ratios by the specified date, either the institution or the Farm Credit Administration may propose a change in the minimum capital ratios for the institution, the date when the minimums must be achieved, or the institution's plan (if applicable). The Farm Credit Administration may decline to consider proposals that are not based on a significant change in circumstances or are repetitive or frivolous. Pending a decision on reconsideration, the Farm Credit Administration's original decision and any plan required under that decision shall continue in full force and effect.

§ 615.5353 Relation to other actions.

In lieu of, or in addition to, the procedures in this subpart, the required minimum capital ratios for an institution may be established or revised through a written agreement or cease and desist proceedings under part C of title V of the Act, or as a condition for approval of an application.

§ 615.5354 Enforcement.

An institution that does not have or maintain the minimum capital ratios applicable to it, whether required in subparts H and K of this part, in a decision pursuant to this subpart, in a written agreement or temporary or final order under part C of title V of the Act, or in a condition for approval of an application, or an institution that has failed to submit or comply with an acceptable plan to attain those ratios, will be subject to such administrative action or sanctions as the Farm Credit Administration considers appropriate. These sanctions may include the issuance of a capital directive pursuant to subpart M of this part or other enforcement action, assessment of civil money penalties, and/or the denial or condition of applications.

Subpart M—Issuance of a Capital Directive

§ 615.5355 Purpose and scope.

(a) This subpart is applicable to proceedings by the Farm Credit Administration to issue a capital directive under sections 4.3(b) and 4.3A(e) of the Act. A capital directive is an order issued to an institution that does not have or maintain capital at or greater than the minimum ratios set forth in §§ 615.5205, 615.5330, and 615.5335; or established for the institution under subpart L, by a written agreement under part C of title V of the Act, or as a condition for approval of an application. A capital directive may order the institution to:

(1) Achieve the minimum capital ratios applicable to it by a specified date;

(2) Adhere to a previously submitted plan to achieve the applicable capital ratios;

(3) Submit and adhere to a plan acceptable to the Farm Credit Administration describing the means and time schedule by which the institution shall achieve the applicable capital ratios;

(4) Take other action, such as reduction of assets or the rate of growth of assets, restrictions on the payment of dividends or patronage, or restrictions on the retirement of stock, to achieve the applicable capital ratios; or

(5) A combination of any of these or similar actions. A capital directive may also be issued to the board of directors of an institution, requiring such board to comply with the requirements of section 4.3A(d) of the Act prohibiting the reduction of permanent capital.

(b) A capital directive issued under this rule, including a plan submitted under a capital directive, is enforceable in the same manner and to the same extent as an effective and outstanding cease and desist order which has become final as defined in section 5.25 of the Act. Violation of a capital directive may result in assessment of civil money penalties in accordance with section 5.32 of the Act.

§ 615.5356 Notice of intent to issue a capital directive.

The Farm Credit Administration will notify an institution in writing of its intention to issue a capital directive. The notice will state:

(a) The reasons for issuance of the capital directive;

(b) The proposed contents of the capital directive, including the proposed date for achieving the minimum capital requirement; and

(c) Any other relevant information concerning the decision to issue a capital directive.

§ 615.5357 Response to notice.

(a) An institution may respond to the notice by stating why a capital directive should not be issued and/or by proposing alternative contents for the capital directive or seeking other appropriate relief. The response shall include any information, mitigating circumstances, documentation, or other relevant evidence that supports its position. The response may include a plan for achieving the minimum capital ratios applicable to the institution. The response must be in writing and delivered to the Farm Credit Administration within 30 days after the date on which the institution received the notice. In its discretion, the Farm Credit Administration may extend the time period for good cause. The Farm Credit Administration may shorten the 30-day time period:

(1) When, in the opinion of the Farm Credit Administration, the condition of the institution so requires, provided that the institution shall be informed promptly of the new time period;

(2) With the consent of the institution; or

(3) When the institution already has advised the Farm Credit Administration that it cannot or will not achieve its applicable minimum capital ratios.

(b) Failure to respond within 30 days or such other time period as may be specified by the Farm Credit Administration shall constitute a waiver of any objections to the proposed capital directive.

§ 615.5358 Decision.

After the closing date of the institution's response period, or receipt of the institution's response, if earlier, the Farm Credit Administration may seek additional information or clarification of the response. Thereafter, the Farm Credit Administration will determine whether or not to issue a capital directive, and if one is to be issued, whether it should be as originally proposed or in modified form.

§ 615.5359 Issuance of a capital directive.

(a) A capital directive will be served by delivery to the institution. It will include or be accompanied by a statement of reasons for its issuance.

(b) A capital directive is effective immediately upon its receipt by the institution, or upon such later date as may be specified therein, and shall remain effective and enforceable until it is stayed, modified, or terminated by the Farm Credit Administration.

§ 615.5360 Reconsideration based on change in circumstances.

Upon a change in circumstances, an institution may request the Farm Credit Administration to reconsider the terms of its capital directive or may propose changes in the plan to achieve the institution's applicable minimum capital ratios. The Farm Credit Administration also may take such action on its own motion. The Farm

Credit Administration may decline to consider requests or proposals that are not based on a significant change in circumstances or are repetitive or frivolous. Pending a decision on reconsideration, the capital directive and plan shall continue in full force and effect.

§ 615.5361 Relation to other administrative actions.

A capital directive may be issued in addition to, or in lieu of, any other action authorized by law, including cease and desist proceedings, civil money penalties, or the conditioning or denial of applications. The Farm Credit Administration also may, in its discretion, take any action authorized by law, in lieu of a capital directive, in response to an institution's failure to achieve or maintain the applicable minimum capital ratios.

PART 618—GENERAL PROVISIONS

30. The authority citation for part 618 continues to read as follows:

Authority: Secs. 1.5, 1.11, 1.12, 2.2, 2.4, 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9, 5.10, 5.17 of the Farm Credit Act (12 U.S.C. 2013, 2019, 2020, 2073, 2075, 2076, 2093, 2122, 2128, 2183, 2200, 2211, 2218, 2243, 2244, 2252).

Subpart A—Related Services

§ 618.8005 [Amended]

31. Section 618.8005 is amended by removing the reference ''§§ 613.3010, 613.3020(a)(1), (a)(2), (b), and 613.3045'' in paragraph (a) and adding in its place, the reference ''§§ 613.3000(a) and (b), 613.3010, and 613.3300'' and by removing the reference ''§§ 613.3110 and 613.3120'' and adding in its place, the reference ''§§ 613.3100, 613.3200, and 613.3300'' in paragraph (b).

Subpart J—Internal Controls

§ 618.8440 [Amended]

32. Section 618.8440 is amended by removing the reference ''§ 615.5200(b)'' and adding in its place, the references ''§§ 615.5200(b), 615.5330 (c) or (d), and 615.5335(b)'' in paragraph (b)(6).

PART 619—DEFINITIONS

33. The authority citation for part 619 is revised to read as follows:

Authority: Secs. 1.7, 2.4, 4.9, 5.9, 5.12, 5.17, 5.18, 7.0, 7.6, 7.7, 7.8 of the Farm Credit Act (12 U.S.C. 2015, 2075, 2160, 2243, 2246, 2252, 2253, 2279a, 2279b, 2279b-1, 2279b-2).

§§ 619.9025, 619.9030, 619.9040, 619.9065, 619.9080, 619.9090, 619.9100, 619.9120, 619.9150, 619.9160, 619.9190, 619.9220, 619.9270, 619.9280, 619.9300, and 619.9310 [Removed]

34. Sections 619.9025, 619.9030, 619.9040, 619.9065, 619.9080, 619.9090, 619.9100, 619.9120, 619.9150, 619.9160, 619.9190, 619.9220, 619.9270, 619.9280, 619.9300, and 619.9310 are removed.

PART 620—DISCLOSURE TO SHAREHOLDERS

35. The authority citation for part 620 continues to read as follows:

Authority: Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa-11); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

Subpart B—Annual Report to Shareholders

36. Section 620.5 is amended by revising paragraphs (d)(1)(ix) and (g)(4)(ii) to read as follows:

§ 620.5 Contents of the annual report to shareholders.

* * * * *

(d) * * *

(1) * * *

(ix) The statutory and regulatory restriction regarding retirement of stock and distribution of earnings pursuant to § 615.5215, and any requirements to add capital under a plan approved by the Farm Credit Administration pursuant to §§ 615.5330, 615.5335, 615.5351, or 615.5357.

* * * * *

(g) * * *

(4) * * *

(ii) Describe any material trends or changes in the mix and cost of debt and capital resources. The discussion shall consider changes in permanent capital, core and total surplus, and net collateral requirements, debt, and any off-balance-sheet financing arrangements.

* * * * *

PART 626—NONDISCRIMINATION IN LENDING

37. The authority citation for part 626 is added to read as follows:

Authority: Secs. 1.5, 2.2, 2.12, 3.1, 5.9, 5.17 of the Farm Credit Act (12 U.S.C. 2013, 2073, 2093, 2122, 2243, 2252); 42 U.S.C. 3601 *et seq.*; 15 U.S.C. 1691 *et seq.*; 12 CFR 202, 24 CFR 100, 109, 110.

§ 626.6025 [Amended]

38. Newly designated § 626.6025 is amended by removing the reference ''§ 613.3160(b)'' and adding in its place, the reference ''§ 626.6020(b)'' in paragraph (b).

* * * * *

Dated: July 31, 1996.

Nan P. Mitchem,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 96–19890 Filed 8–12–96; 8:45 am]

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Part III

Department of Housing and Urban Development

24 CFR Part 982

Technical Amendments to the Section 8 Certificate and Voucher Conforming Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 982

[Docket No. FR–4119–F–01]

Office of the Assistant Secretary for Public and Indian Housing; Technical Amendment to the Section 8 Certificate and Voucher Conforming Rule

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: On July 3, 1995 (60 FR 34660), HUD published a final rule combining and conforming the rules for tenant-based rental assistance under the Section 8 Rental Certificate and Rental Voucher Programs (24 CFR part 982). This final rule amends part 982 to provide that HUD may restrict a family's right to lease any unit within the initial Housing Agency's jurisdiction if HUD determines the limitations on a family's opportunity to select among available units in that jurisdiction are appropriate to achieve desegregation goals in accordance with obligations generated by a court order or consent decree. The purpose of this rule is to remove any regulatory barrier that may hinder judicial efforts to address discriminatory racial or economic concentrations.

EFFECTIVE DATE: September 12, 1996.

FOR FURTHER INFORMATION CONTACT: Madeline Hastings, Deputy Director, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, Room 4226, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–2841. (This is not a toll-free number.) Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On July 3, 1995 (60 FR 34660), HUD published a final rule which combined and conformed the rules for tenant-based Section 8 rental assistance under the Section 8 Certificate and Voucher Rental Programs (42 U.S.C. 1437f). The final rule also amended the requirements for project-based assistance under the Section 8 Rental Certificate Program.

The July 3, 1995 final rule added a new § 982.353, which describes where a family can lease a unit with tenant-based assistance. Paragraph (a) of § 982.353 states that a family ''may receive tenant-based assistance to lease a unit located anywhere'' in the Housing Agency's (HA's) jurisdiction. Further, 24 CFR 982.353(f) provides that, except under specified circumstances, the HA ''may not directly or indirectly reduce the family's opportunity to select among available units.'' Nevertheless, courts have entered, and may enter in the future, orders which would require HUD and HAs to limit where tenant-based assistance may be used within the HA's jurisdiction. For example, a court may issue such an order to remedy racial or economic concentrations resulting from discriminatory housing practices. HUD is concerned that in such circumstances § 982.353 might conflict with the court mandate.

This final rule amends § 982.353 to provide that HUD may restrict a family's right to lease any unit within the initial HA's jurisdiction if HUD determines the limitations on a family's opportunity to select among available units in that jurisdiction are appropriate to achieve desegregation goals in accordance with obligations generated by a court order or consent decree. This rule only amends paragraphs (a) and (f) of § 982.353, which concern tenant-based assistance within the jurisdiction of the original HA. This rule does not revise the portability procedures set forth at 24 CFR 982.353(b). This final rule, therefore, does not authorize limiting the residential choice of a family renting outside the jurisdiction of the initial HA.

II. Justification for Final Rulemaking

It is HUD's policy to publish rules for public comment before their issuance for effect, in accordance with its own regulations on rulemaking found at 24 CFR part 10. However, part 10 provides that prior public procedure will be omitted if HUD determines that it is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that in this case prior comment is unnecessary. This final rule amends § 982.353 to remove any potential conflict between the current regulatory language and judicial efforts to address discriminatory racial or economic concentrations. Since the amendment made by this final rule would apply solely to HAs operating under the terms of a court order or consent decree, and therefore not involve all housing authorities and participants in the Section 8 Rental Certificate and Voucher Programs prior public comment is unnecessary.

III. Other Matters

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This final rule amends § 982.353 to eliminate any possible conflict between the existing regulatory language and judicial desegregation goals, and is limited to housing authorities operating under court orders or consent decrees that address such goals. The rule will have no adverse or disproportionate economic impact on small entities.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) at the time of development of the July 3, 1995 final rule. That finding remains applicable to this rule which merely makes a technical amendment to the July 3, 1995 final rule. The FONSI is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This purpose of this rule is to address any possible conflict between HUD's regulation at § 982.353 and judicial efforts to remedy discriminatory racial or economic concentrations. This rule will assist to facilitate the actions of courts, and will not affect the relationship between the Federal Government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule will not have the potential for significant impact on family formation, maintenance, or

general well-being, and thus is not subject to review under the Order. This rule removes any potential conflict between 24 CFR 982.353 and nondiscrimination obligations generated by a court order or consent decree. No significant change in existing HUD policies or programs will result from promulgation of this rule.

List of Subjects in 24 CFR Part 982

Grant programs—housing and community development, Housing, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 982 is amended as follows:

PART 982—SECTION 8 TENANT-BASED ASSISTANCE: UNIFIED RULE FOR TENANT-BASED ASSISTANCE UNDER THE SECTION 8 RENTAL CERTIFICATE PROGRAM AND THE SECTION 8 RENTAL VOUCHER PROGRAM

1. The authority citation for 24 CFR part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

2. Section 982.353 is amended by revising paragraphs (a) and (f) to read as follows:

§ 982.353 Where family can lease a unit with tenant-based assistance.

(a) *Assistance in the initial HA jurisdiction.* The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction (as determined by State and local law) of the initial HA. HUD may nevertheless restrict the family's right to lease such a unit anywhere in such jurisdiction if HUD determines that limitations on a family's opportunity to select among available units in that jurisdiction are appropriate to achieve desegregation goals in accordance with obligations generated by a court order or consent decree.

* * * * *

(f) *Freedom of choice.* The HA may not directly or indirectly reduce the family's opportunity to select among available units except as provided in paragraph (a) of this section, or elsewhere in this part 982 (e.g. prohibition on use of ineligible housing, housing not meeting HQS, or housing for which the contract rent (certificate program) or rent to owner (voucher program) exceeds a reasonable rent).

Dated: August 6, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 96–20533 Filed 8–12–96; 8:45 am]

BILLING CODE 4210–33–P

Federal Register

Tuesday
August 13, 1996

Part IV

Department of Education

Notice of Waivers Granted by the U.S. Secretary of Education Under the General Waiver Authority, the Title I Desegregation Waiver Authority, and the Maintenance of Effort Waiver Authority in the Elementary and Secondary Education Act and of States Selected for Participation in the Education Flexibility Partnership Demonstration Program (Ed-Flex) Under the Goals 2000: Educate America Act; Notice

DEPARTMENT OF EDUCATION

Notice of Waivers Granted by the U.S. Secretary of Education Under the General Waiver Authority, the Title I Desegregation Waiver Authority, and the Maintenance of Effort Waiver Authority in the Elementary and Secondary Education Act and of States Selected for Participation in the Education Flexibility Partnership Demonstration Program (Ed-Flex) Under the Goals 2000: Educate America Act

SUMMARY: Three major education laws, the Improving America's Schools Act (Pub. L. 103–382) (which reauthorized the Elementary and Secondary Education Act (ESEA)), the Goals 2000: Educate America Act (Pub. L. 103–227) (Goals 2000), and the School-to-Work Opportunities Act (Pub. L. 103–239) provide States, school districts, and schools with expanded opportunities to use Federal education funds in order to improve school effectiveness and academic achievement. These acts allow the Secretary of Education to grant waivers of certain requirements of Federal education programs in cases where a waiver will likely contribute to improved teaching and learning.

As of June 30, 1996, 116 waiver requests had been approved by the U.S. Department of Education (Department) under the waiver authorities identified above. This notice identifies the 31 waiver requests approved by the Department from January 1, 1996 through June 30, 1996. The notice also identifies the three States selected for participation in the Education Flexibility Partnership Demonstration Program (Ed-Flex) of Goals 2000.

This notice includes, among others, waivers regarding provisions governing the statutory poverty threshold for implementing schoolwide programs under Title I of the ESEA, the proportion of funds devoted to professional development in mathematics and science and other core subject areas under Title II of the ESEA, and the consolidation of funds under Title XIV of the ESEA. The Department's Waiver Guidance, which provides examples of waivers, explains the waiver authorities in detail, and discusses how to apply for a waiver, is available from the Department at (202) 401–7801.

APPLICATION APPROVALS: From January 1, 1996 through June 30, 1996, the Secretary approved 31 applications for waivers and three applications for the Education Flexibility Partnership Demonstration Program (Ed-Flex). Each waiver application is reviewed and evaluated based on its individual merits in accordance with the statutory criteria.

(A) Waivers Approved Under the General Waiver Authority in Section 14401 of the ESEA

(1) *Name of Applicant:* Vermont Department of Education, Montpelier, VT.
Requirement Waived: Section 2206(b) of the ESEA.
Duration of Waiver: Three years.
Date Granted: January 19, 1996.

(2) *Name of Applicant:* South Whittier School District, Whittier, CA.
Requirement Waived: Section 1113(a)(3)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: January 31, 1996.

(3) *Name of Applicant:* Consolidated High School District, No. 230, Orland Park, IL.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: February 1, 1996.

(4) *Name of Applicant:* Mount Pleasant Area School District, Mount Pleasant, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: February 8, 1996.

(5) *Name of Applicant:* Preble Shawnee Local Schools, Camden, OH.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: One year.
Date Granted: February 8, 1996.

(6) *Name of Applicant:* Minnesota Department of Children, Families, and Learning, St. Paul, MN.
Requirements Waived: Sections 7302 and 7134(c) of the ESEA.
Duration of Waiver: Three Years.
Date Granted: February 16, 1996.

(7) *Name of Applicant:* Wyoming Department of Education, Cheyenne, WY.
Requirement Waived: Section 2206(b) of the ESEA.
Duration of Waiver: One year.
Date Granted: February 27, 1996.

(8) *Name of Applicant:* Indian Springs School District, No. 109, Justice, IL.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: One year.
Date Granted: March 10, 1996.

(9) *Name of Applicant:* Cahokia Unit School District, No. 187, Springfield, IL.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: Two years.
Date Granted: March 15, 1996.

(10) *Name of Applicant:* Lampeter Strasburg School District, Lampeter, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: March 18, 1996.

(11) *Name of Applicant:* Texas Education Agency, Austin, TX.
Requirements Waived: Sections 1112(a)(1) and 14305 of the ESEA with respect to requirements regarding State review of changes to LEA Title I plans and consolidated local plans.
Duration of Waiver: Three years.
Date Granted: March 22, 1996.

(12) *Name of Applicant:* Delavan-Darien School District, Delavan, WI.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(1) of the ESEA.
Duration of Waiver: One year.
Date Granted: March 27, 1996.

(13) *Name of Applicant:* New Jersey Department of Education, Trenton, NJ.
Requirement Waived: Section 2209(b) of the ESEA.
Duration of Waiver: Three years.
Date Granted: April 18, 1996.

(14) *Name of Applicant:* Skokie School District, No. 68, Skokie, IL.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: April 19, 1996.

(15) *Name of Applicant:* Lower Kuskokwim School District, Bethel, AK.
Requirement Waived: Section 1113(a)(3)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: April 26, 1996.

(16) *Name of Applicant:* Puerto Rico Department of Education, San Juan, PR.
Requirements Waived: Sections 2207 and 2210(b) of the ESEA.
Duration of Waiver: One year.
Date Granted: April 26, 1996.

(17) *Name of Applicant:* California Department of Education, Sacramento, CA.
Requirement Waived: Section 14201(a) of the ESEA.
Duration of Waiver: Three years.
Date Granted: May 2, 1996.

(18) *Name of Applicant:* White Plains Public Schools, White Plains, NY.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: May 3, 1996.

(19) *Name of Applicant:* Christian County Public Schools, Hopkinsville, KY.
Requirement Waived: Section

1114(a)(1)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: May 4, 1996.

(20) *Name of Applicant:* Clinton Community School District, No. 15, Clinton, IL.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: May 16, 1996.

(21) *Name of Applicant:* Kentucky Department of Education, Frankfort, KY.
Requirements Waived: Sections 1116(c)(1)(C) and 1116(d)(3)(A)(ii) of the ESEA.
Duration of Waiver: Three years.
Date Granted: May 17, 1996.

(22) *Name of Applicant:* Missouri Department of Elementary and Secondary Education, Jefferson City, MO.
Requirement Waived: Section 2206(b) of the ESEA.
Duration of Waiver: Three years.
Date Granted: May 23, 1996.

(23) *Name of Applicant:* Beach Public School District, Beach, ND.
Requirement Waived: Section 1114(a)(1)(B) of the ESEA.
Duration: Three years.
Date Granted: June 10, 1996.

(24) *Name of Applicant:* Montgomery County Schools, Troy, NC.
Requirement Waived: Section 1114(a)(1)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: June 10, 1996.

(B) Waivers Approved Under the Desegregation Waiver Authority in Section 1113(a)(7) of the ESEA

(1) *Name of Applicant:* Amherst County Schools, Amherst, VA.
Requirements Waived: Sections 1113(c)(1) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: March 26, 1996.

(2) *Name of Applicant:* Alton Community Unit School District, No. 11, Alton, IL.
Requirements Waived: Sections 1113(a)(2)(B), 1113(c)(1), and 1113(c)(2) of the ESEA.
Duration of Waiver: One year.
Date Granted: April 26, 1996.

(3) *Name of Applicant:* Pulaski County Special School District, Little Rock, AR.
Requirement waived: Section 1113(a)(2)(B) of the ESEA.
Duration of the waiver: Three years.
Date granted: May 23, 1996.

(C) Waivers Approved Under the Maintenance of Effort Waiver Authority in Section 14501(c) of the ESEA

(1) *Name of Applicant:* Butner Public Schools, Cromwell, OK.
Requirements Waived: Sections 1120A(a) and 14501(a) of the ESEA.
Duration of Waiver: One year.
Date Granted: February 3, 1996.

(2) *Name of Applicant:* Gosnell School District, No. 6, Gosnell, AR.
Requirements Waived: Sections 1120A(a) and 14501(a) of the ESEA.
Duration of Waiver: One year.
Date Granted: February 3, 1996.

(3) *Name of Applicant:* Midland School District, Midland, PA.
Requirement Waived: Section 14501(a) of the ESEA.
Duration of Waiver: One year.
Date Granted: February 29, 1996.

(4) *Name of Applicant:* Union Independent School District, Brownfield, TX.
Requirements Waived: Sections 1120A(a) and 14501(a) of the ESEA.
Duration of Waiver: One year.
Date Granted: March 1, 1996.

(D) States Designated Ed-Flex States Under the Education Flexibility Partnership Demonstration Program in Section 311(e) of the Goals 2000: Educate America Act

(1) *Name of Applicant:* Texas.
Duration of Ed-Flex Authority: Five years.
Date Granted: January 26, 1996.

(2) *Name of Applicant:* Vermont.
Duration of Ed-Flex Authority: Five years.
Date Granted: March 13, 1996.

(3) *Name of Applicant:* Maryland.
Duration of Ed-Flex Authority: Five years.
Date Granted: May 8, 1996.

FOR FURTHER INFORMATION CONTACT: Collette Roney on the Department's Waiver Assistance Line, (202) 401–7801. Copies of the Department's Waiver Guidance are also available at this number. The guidance and other information on flexibility is available at the Department of Education's World Wide Web site at *http://www.ed.gov/flexibility.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Dated: August 2, 1996.

Marshall S. Smith,

Under Secretary.

[FR Doc. 96–20544 Filed 8–12–96; 8:45 am]

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Milk marketing orders:

Carolina et al.; comments due by 8-19-96; published 7-18-96

Nectarines and peaches grown in California; comments due by 8-21-96; published 7-22-96

Oranges and grapefruit grown in Texas; comments due by 8-21-96; published 7-22-96

Oranges, grapefruit, tangerines, and tangelos grown in Florida; comments due by 8-23-96; published 7-24-96

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Hawaiian and territorial quarantine notices:

Papaya, carambola, and litchi; comments due by 8-22-96; published 7-23-96

Plant-related quarantine, domestic:

Mediterranean fruit fly; comments due by 8-19-96; published 6-19-96

AGRICULTURE DEPARTMENT

Food and Consumer Service

Child nutrition programs:

National school lunch, school breakfast, child and adult care food, and summer food service programs--

Meat alternates; comments due by 8-19-96; published 7-5-96

COMMERCE DEPARTMENT

International Trade Administration

Watches duty exemption program:

Duty-exemption entitlement allocations in Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 8-21-96; published 7-22-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

International Code of Conduct for Responsible Fisheries implementation plan; availability; comments due by 8-23-96; published 7-25-96

DEFENSE DEPARTMENT

Army Department

Environmental analysis of army actions; comments due by 8-21-96; published 7-22-96

DEFENSE DEPARTMENT

Acquisition regulations:

U.S. European Command (EUCOM) supplement; comments due by 8-19-96; published 6-20-96

Federal Acquisition Regulation (FAR):

Commercial items contracts and subcontracts; cost accounting standards exemption; comments due by 8-20-96; published 6-21-96

Contracts, fixed-priced; performance incentives; comments due by 8-19-96; published 6-20-96

Costs related to legal/other proceedings; comments due by 8-19-96; published 6-20-96

Drug-free workplace; certification requirements; comments due by 8-19-96; published 6-20-96

Foreign selling costs; comments due by 8-19-96; published 6-20-96

Historically black colleges and universities/minority institutions; collection of award data; comments due by 8-19-96; published 6-20-96

Independent research and development/bid and proposal in cooperative arrangements; comments due by 8-19-96; published 6-20-96

Irrevocable letters of credit and alternatives to Miller Act bonds; comments due by 8-19-96; published 6-20-96

North American Free Trade Agreement Implementation Act; implementation; comments due by 8-19-96; published 6-20-96

Preaward debriefings; comments due by 8-23-96; published 6-24-96

ENERGY DEPARTMENT

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Management and operating contracts--

Contract reform initiative; implementation; comments due by 8-23-96; published 6-24-96

Contract reform initiative; implementation; comments due by 8-23-96; published 6-24-96

Performance-based management contracting, fines, penalties, etc.; comments due by 8-23-96; published 7-25-96

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Industrial Combustion Coordinated Rulemaking Advisory Committee--

Establishment; comments due by 8-20-96; published 6-21-96

Air programs:

Stratospheric ozone protection--

Fire extinguishers containing hydrochloro-fluorocarbons (HCFCs); ban reconsideration; comments due by 8-19-96; published 7-18-96

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 8-19-96; published 7-18-96

Louisiana; comments due by 8-21-96; published 7-22-96

Oregon; comments due by 8-19-96; published 7-18-96

Tennessee; comments due by 8-19-96; published 7-18-96

Washington; comments due by 8-22-96; published 7-23-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Avermectin B1 and its delta-8,9-isomer; comments due by 8-23-96; published 7-24-96

N-acyl sarcosines and sodium n-acyl sarcosinates; comments due by 8-23-96; published 7-24-96

Polybutene; comments due by 8-23-96; published 7-24-96

Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-